

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.01
RAQAMLI ILMIY KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

BOZAROV SARDOR SOXIBJONOVICH

SUN'IY INTELLEKT DOIRASIDA HUQUQIY JAVOBGARLIK

12.00.03 – Fuqarolik huquqi. Tadbirkorlik huquqi.
Oila huquqi. Xalqaro xususiy huquq

**yuridik fanlar doktori (DSc) dissertatsiyasi
AVTOREFERATI**

Toshkent – 2023

Yuridik fanlar doktori (DSc) dissertatsiyasi avtoreferati mundarijasi

Оглавление автореферата диссертации доктора наук (DSc)

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Fan doktori (Doctor of Science) dissertatsiyasi mavzusi O'zbekiston Respublikasi Vazirlar Mahkamasi huzuridagi Oliy attestatsiya komissiyasida B2021.4.DSc/Yu181-raqam bilan ro'yxatga olingan.

Dissertatsiya ishi O'zbekiston Respublikasi Adliya vazirligi Toshkent davlat yuridik universitetida bajarilgan.

Dissertatsiya avtoreferati uch tilda (o'zbek, ingliz, rus (rezyume)) Ilmiy kengashning veb-sahifasida (<https://tsul.uz/uz/fan/avtoreferatlar>) va «ZiyoNET» Axborot ta'lim portalida (www.ziynet.uz) joylashtirilgan.

Ilmiy maslahatchi:

Gulyamov Said Saidaxrarovich,
yuridik fanlar doktori, professor

Rasmiy opponentlar:

Samarxodjayev Botir Bilyalovich,
yuridik fanlar doktori, professor

Aminjonova Matluba Axmedovna,
yuridik fanlar doktori, dotsent

Xamroqulov Bahodir Masharifovich,
yuridik fanlar doktori, dotsent

Yetakchi tashkilot:

**O'zbekiston Respublikasi davlat
Bojxona qo'mitasi Bojxona instituti**


Dissertatsiya himoyasi Toshkent davlat yuridik universiteti huzuridagi Ilmiy darajalar beruvchi DSc.07/30.12.2019.Yu.22.01 raqamli ilmiy kengashning 2023-yil 16-mart soat 10-00 dagi majlisida bo'lib o'tadi (Manzil: 100047, Toshkent shahar, Sayilgoh ko'chasi, 35-uy. Tel.: (99871) 233-66-36; faks: (99871) 233-37-48, e-mail: info@tsul.uz).


Dissertatsiya bilan Toshkent davlat yuridik universiteti Axborot-resurs markazida tanishish mumkin (1119-raqam bilan ro'yxatga olingan). (Manzil: 100047, Toshkent shahar, Sayilgoh ko'chasi, 35-uy. Tel.: (99871) 233-66-36).

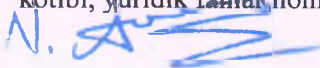
Dissertatsiya avtoreferati 2023-yil 28-fevralda tarqatildi.

(2023-yil 28-fevraldagi 25-raqamli reyestri bayonnomasi).




I.R. Rustambekov,
Ilmiy darajalar beruvchi Ilmiy kengash
raisi, yuridik fanlar doktori, professor


D.Y. Xabibullayev,
Ilmiy darajalar beruvchi Ilmiy kengash
kotibi, yuridik fanlar nomzodi, professor


N.F. Imomov,
Ilmiy darajalar beruvchi ilmiy kengash
huzuridagi Ilmiy seminar raising
o'rinbosari, yuridik fanlar doktori,
professor

KIRISH (yuridik fanlar doktori (DSc) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda sun'iy intellekt (keyingi o'rinlarda SI deb yuritiladi) sohasidagi ishlanmalar, ularga nisbatan intellektual mulk huquqi va mazkur mahsulotlarning huquqiy tabiati, xususan, yuridik javobgarligi masalalari kun sayin jiddiy muammoga aylanib bormoqda.

Jumladan, 2015- va 2018-yilda SI negizidagi avtopilot boshqaruvidagi "Tesla" avtomashinasi avtohalokatni sodir etishi insonlarning hayotdan ko'z yumishiga olib keldi¹, "Google" haydovchisiz boshqariladigan avtomashina 11 marotaba avtohalokatni sodir etib, uning oqibatida atrofdagilarga jiddiy zarar yetkazilgan². Shuningdek, 2015-yilda SI manipulyator roboti harakati "Volkswagen" avtomobil zavodida ishchi o'limiga sabab bo'ldi³, bemorlarga dori vositalarini o'z vaqtida qabul qilish muolajalarini kuzatib boruvchi robot hamshiraning xatosi bemorning hayotdan ko'z yumishiga olib keldi⁴. Mazkur voqealar amalda SI sohasidagi huquqiy javobgarlik masalalari tezkor sur'atlar bilan odimlab borayotgan texnologik inqilobning shiddatiga mos kela olmay qolayotgani tufayli SI sohasidagi mahsulotlar va ularga bog'liq zamonaviy texnologiyalar (aqlli shahar, smart-kontrakt, raqamli iqtisod, blokcheyn va h.k.) ishlab chiqarilishi barobarida yuzaga kelayotgan chaqiriqlar, munosabatlar an'anaviy huquq normalari va institutlarni to'liq qayta ko'rib chiqish zaruratini vujudga keltirmoqda.

Jahonda SI fenomeni, uning normativ tartiboti, SI texnologiyalari va dasturlarini yaratish, ishlab chiqish, dasturlash, muomalaga kiritish, qo'llash, aqlli o'rganish tizimlari, smart-kontrakt va boshqa shu kabi SI mahsulotlari huquqiy tabiati, o'ziga xos jihatlari, yuridik javobgarligi masalalarini tadqiq etish, shuningdek, SIning huquqiy maqomi, huquq subyektiligi, elektron shaxs konsepsiyasining huquqiy istiqbollari o'rganish yuzasidan ilmiy tahlillarni amalga oshirish ustuvor vazifa bo'lib hisoblanmoqda.

Mamlakatimizda so'nggi yillarda sun'iy intellekt tizimlarini joriy etish borasida dasturiy chora-tadbirlar amalga oshirilib kelmoqda. Xususan, "2022–2026-yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi"da sun'iy intellektni mamlakatimizda muvaffaqiyatli amalga oshirish uchun "Sun'iy intellekt texnologiyalarini 2023–2030-yillarda rivojlantirish Strategiyasi"ni ishlab chiqish bo'yicha aniq vazifalar belgilab berildi⁵, ular respublikada raqamlashtirish jarayonlarini yanada faollashtirish zarurligini qayd etmoqda. Bundan tashqari, Yangi O'zbekiston Strategiyasida korrupsiyaga qarshi kurashishga zamonaviy axborot, shu jumladan,

¹ Tesla driver in fatal 'Autopilot' crash got numerous warnings: U.S. government // Reuters. URL: <https://www.reuters.com/article/us-tesla-crash-idUSKBN19A2XC> (дата обращения: 10.05.2020).

² Dan Moren, People Keep Crashing Into Google's Self Driving Cars (2015), <<http://www.popsci.com/people-keep-crashing-googles-self-driving-cars>> accessed 13 June 2015.

³ Robot Kills worker at Volkswagen plant in Germany // The Guardian. URL: <https://www.theguardian.com/world/2015/jul/02/robot-kills-worker-at-volkswagenplant-in-germany> (дата обращения: 10.05.2020).

⁴ Kseniya Charova, Cameron Schaeffer, Lucas Garron, Robotic Nurses (2011). <<http://cs.stanford.edu/people/eroberts/cs181/projects/2010-11/ComputersMakingDecisions/robotic-nurses/index.html>> accessed 13 June 2015.

⁵ O'zbekiston Respublikasi Prezidentining 2022-yil 28-yanvardagi "2022-2026-yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida"gi PF-60-son Farmoni // O'zbekiston Respublikasi qonun hujjatlari ma'lumotlari milliy bazasi, www.lex.uz.

sun'iy intellekt texnologiyalarini joriy etish, ijro ishini yuritish tizimini raqamlashtirish va sun'iy intellekt texnologiyalarini joriy etish uchun zarur mexanizmlar ishlab chiqish, bir so'z bilan aytganda amaldagi sud-huquq sohasidagi qonunchilik asoslarini sun'iy intellekt tizimlarini bosqichma-bosqich singdirish ehtiyojlaridan kelib chiqqan holda ilmiy tadqiq qilish zarurligini ko'rsatmoqda.

O'zbekiston Respublikasining Fuqarolik kodeksi, O'zbekiston Respublikasi Prezidentining 2022-yil 28-yanvardagi "2022–2026-yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida"gi PF-60-son Farmoni, O'zbekiston Respublikasi Prezidentining 2021-yil 17-fevraldagi "Sun'iy intellekt texnologiyalarini jadal joriy etish uchun shart-sharoit yaratish chora-tadbirlari to'g'risida"gi PQ-4996-son qarori, 2021-yil 26-avgustdagi "Sun'iy intellekt texnologiyalarini qo'llash bo'yicha maxsus rejimni joriy qilish chora-tadbirlari to'g'risida"gi PQ-5234-son qarori, 2021-yil 1-apreldagi "Ilmiy va innovatsion faoliyatni rivojlantirish bo'yicha davlat boshqaruvi tizimini takomillashtirish to'g'risida"gi PF-6198-son Farmoni, 2020-yil 29-oktabrdagi "Ilm-fanni 2030-yilgacha rivojlantirish konsepsiyasini tasdiqlash to'g'risida"gi PF-6097-son Farmoni, 2022-yil 6-iyuldagi "2022–2026-yillarda O'zbekiston Respublikasining Innovatsion rivojlanish strategiyasini tasdiqlash to'g'risida"gi PF-165-son Farmoni, 2020-yil 5-oktabrdagi "Raqamli O'zbekiston-2030" Strategiyasini tasdiqlash va uni samarali amalga oshirish chora-tadbirlari to'g'risida"gi PF-6079-son Farmoni va sohaga oid boshqa normativ-huquqiy hujjatlarda belgilangan vazifalarni amalga oshirishga mazkur dissertatsiya tadqiqoti muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo'nalishlariga mosligi. Dissertatsiya tadqiqoti respublika fan va texnologiyalar rivojlanishining I. "Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma'naviy-ma'rifiy rivojlantirishda innovatsion g'oyalar tizimini shakllantirish va ularni amalga oshirish yo'llari" ustuvor yo'nalishi bo'yicha bajarilgan.

Dissertatsiya mavzusi bo'yicha xorijiy ilmiy tadqiqotlar sharhi¹. Sun'iy intellekt doirasida javobgarlik masalalariga oid ilmiy tadqiqotlar dunyoning yetakchi ilmiy markazlari va oliy ta'lim muassasalarida, shu jumladan, Amerika Qo'shma Shtatlari: Stenford universiteti, Yale universiteti, Harvard universiteti, Kaliforniya universiteti, Konnektikut universiteti, Hanter kolleji, Mariland universiteti, Boston kolleji, Chikago universiteti, Kolumbiya biznes maktabi, Jon Hopkins universiteti. Buyuk Britaniya: Oksford universiteti, Kembrij universiteti. Yevropa Ittifoqi: Tilburg universiteti, Lyoven Katolik universiteti, Edinburg universiteti, Gyote universiteti Syurix universiteti (Shveysariya),. Rossiya Federatsiyasi: Lomonosov nomidagi Moskva davlat universiteti, Kutafin nomidagi Moskva davlat yuridik universiteti,

¹Dissertatsiyaning mavzusi bo'yicha xorijiy ilmiy tadqiqotlar sharhi: <https://www.yale.edu>, <https://www.universityofcalifornia.edu/>; <https://www.ucdavis.edu/>; <https://uconn.edu/>; <https://hunter.cuny.edu/>; <https://www.umd.edu/>; <https://www.nyu.edu/>; <https://www.ox.ac.uk>; <https://www.cam.ac.uk>; <https://www.bc.edu>; <https://www.harvard.edu>; <https://www.uchicago.edu>; <https://home.gsb.columbia.edu>; <https://www.jhu.edu>; <https://www.tilburguniversity.edu>; <https://www.kuleuven.be/kuleuven>; <https://www.ed.ac.uk>; <https://www.uzh.ch/de.html> <https://www.uni-frankfurt.de>; <https://www.msu.ru/>; <https://msal.ru/>; <http://igpran.ru/>; <https://www.tsu.ru/>; <https://gubkin.ru/>; <https://www.rea.ru/ru/abiturientu/Pages/abiturientu.aspx>; <https://sgmu.ru>.

Tomsk davlat universiteti, G.V. Plexanov nomidagi Rossiya iqtisodiyot akademiyasi va oliy ta'lim hamda boshqa ilmiy tadqiqot muassasalarida olib borilmoqda.

Jahonda sun'iy intellekt doirasida javobgarlik masalalariga oid xorijiy ilmiy tadqiqotlar natijasida quyidagi ilmiy natijalarga erishilgan. Jumladan: sun'iy intellekt tushunchasiga nisbatan evristik va kognitiv yondashuvlar asoslantirilgan. SI huquqiy asoslari yanada takomillashtirilgan (Stenford universiteti, Yale universiteti, Kaliforniya universiteti, Konnektikut universiteti, Hanter kolleji, Mariland universiteti). Inson huquqlarini ta'minlash maqsadida, SI qo'llanishi sohalarini yanada kengaytirish, shu jumladan, xalqaro tashkilotlarning moliyaviy resurslari hisobiga SI ilmiy sohasiga grantlarni jalb etishning konseptual asoslari taklif etilgan (Oksford universiteti, Kembrij universiteti). SI huquqiy javobgarligining ilmiy va nazariy asoslari, fundamental doktrina nuqtayi nazaridan tadqiq etilgan (Boston kolleji). SI rivojlanishi evolyutsiyasini zamonaviy bibliometrik analizlar orqali aniqlash va bugungi kunda SI qo'llanishi holati, SIDan foydalanishni yanada takomillashtirish bo'yicha ilg'or tijorat kompaniyalari faoliyatini tashkil etish bo'yicha zarur choralar ko'rilishi taklif etilgan (Tilburg University, Netherlands, University of Murcia, Chang'an University). SI samarali tizimlarini tashkil etishda, ilg'or xorijiy davlatlar tajribasi hisoblanmish SI javobgarligini zaif va kuchli SI negizida joriy qilish taklif etilgan (Lomonosov nomidagi Moskva davlat universiteti). Fuqarolarning hayotini yengillashtirishda SI mexanizmlarini davlat xizmati tizimiga joriy etish asoslari ishlab chiqilgan (Rossiya Fanlar akademiyasi).

Dunyoda SI huquqiy muammolari va ularning yechimini topishga qaratilgan quyidagi ustuvor yo'nalishlarda ilmiy tadqiqot ishlari olib borilmoqda. Xususan, nodavlat va xususiy fondlarni tashkil etish orqali SI tizimini qulaylashtirish, ko'p darajali javobgarlikka ega (solidar, subsidiar) SI tizimlarini joriy etish, fuqarolarning ijtimoiy himoyasini kuchaytirishda SI axborot bazalaridan foydalanish, SI qo'llanishi qonuniy asoslarini takomillashtirish, SINi qo'llashda yetkazilgan zarar uchun javobgarlikni belgilash, turli sohalarda SI qo'llanishi huquqiy asoslarini yanada takomillashtirish, xalqaro SI standartlarini milliy qonunchilikka implementatsiya qilish va boshqalar.

Muammoning o'rganilganlik darajasi. Mazkur mavzuning ayrim jihatlari H.R. Rahmonqulov, S.S. Gulyamov, O. Oqyulov, Sh.N. Ro'zinazarov, I.R. Rustambekov, N.F. Imomov, A. Saidov, D.Y. Xabibullayev, O'P. Xolmirzayev, O.Sh. Pirmatovlarning ilmiy ishlarida muayyan darajada o'rganilgan.

Xorijiy mualliflardan Alex M. Andrew, George F. Luger, Daniel Castro va Joshua New, Joost N. Kok, Egbert J. W. Boers, Walter A. Kusters, Peter van der Putten, Robert S. Engelmores, Nils J. Nilsson, Michael Guihot, Anne F. Matthew, Nicolas Suzor, Raymond Kurzweil, Elaine Rich, Kevin Knight, Shivashankar V. Nair, Richard Bellman, James R. Slagle, Stuart J. Russell, Peter Norvig, Edwina L. Rissland, Kevin D. Ashley, Ronald Prescott Loui, Avneet Pannu, Ronal Chandra, Yoga Prihastomo, Andrew Haskins, Surabhi Arora, Uttara Nilawar, Pei Wang, Earl B. Hunt, Patrick Henry Winston, Nick Bostrom, Irving John Good kabi tadqiqotchilarni ko'rsatib o'tish mumkin¹.

¹Bu va boshqa manbalar dissertatsiyaning foydalanilgan adabiyotlar ro'yxatida ko'rsatilgan.

Biroq mamlakatimizda sun'iy intellektning turli sohalarda qo'llanishi va uning yuridik javobgarligi alohida monografik tarzda tadqiq etilmagan.

Dissertatsiya mavzusining dissertatsiya bajarilgan oliy ta'lim muassasasining ilmiy tadqiqot ishlari rejalari bilan bog'liqligi.

Dissertatsiya tadqiqoti Toshkent davlat yuridik universitetida olib boriladigan ilmiy tadqiqotlarning ustuvor yo'nalishlaridagi O'zbekiston Respublikasida kiber huquqining shakllanishi doirasida amalga oshirilgan.

Tadqiqotning maqsadi sun'iy intellekt tushunchasi yuridik mohiyati va tabiati, uning turli sohalarda qo'llanishning huquqiy shakllari va javobgarligi masalalarini kompleks tahlil qilish, sohaga oid nazariyani rivojlantirish va amaliyotni takomillashtirishga qaratilgan taklif, tavsiyalar ishlab chiqishdan iboratdir.

Tadqiqotning vazifalari:

sun'iy intellektning rivojlanish evolyutsiyasi va istiqbollari, sun'iy intellekt tushunchasini aniqlashda mavjud konseptual yondashuvlarni tahlil qilish;

sun'iy intellektni huquqiy tartibga solish zaruratining nazariy-huquqiy shartlarini tadqiq etish, sun'iy intellektning huquqiy maqomini aniqlashga nisbatan doktrinal va qonunchilikdagi yondashuvlarni qiyosiy-huquqiy tahlil qilish;

sun'iy intellektning huquq subyektliligi muammoli jihatlarini, "Elektron shaxs" tushunchasiga nisbatan mavjud yondashuvlarni tahlil qilish;

sun'iy intellekt javobgarligining huquqiy tabiatini o'rganish;

sun'iy intellekt tizimining o'z harakatlari (yoki harakatsizligi) uchun bevosita javobgarligi modelini tahlil qilish;

turli sohalarda qo'llanadigan sun'iy intellekt tizimlarining bilvosita javobgarligini tahlil qilish;

sun'iy intellektni ishlab chiqarish va qo'llash bilan bog'liq ijtimoiy munosabatlarni huquqiy tartibga solish yuzasidan taklif va tavsiyalar ishlab chiqish;

sun'iy intellektni tartibga solishning huquqiy asoslarini takomillashtirish yuzasidan alohida hujjatlarni (axloq kodeksi, alohida qonun va sun'iy intellektni rivojlantirish konsepsiyasini) ishlab chiqish.

Tadqiqotning obyeksi SI imkoniyatlaridan ijtimoiy turmushning turli sohasida foydalanish, uning faoliyati yuzasidan kelib chiqadigan oqibatlar uchun fuqarolik-huquqiy javobgarlik bilan bog'liq ijtimoiy-huquqiy munosabatlar tizimi hisoblanadi.

Tadqiqotning predmetini SI tomonidan davlat, jamiyat, fuqaro boshqa subyektlarga yordam ko'rsatishning tashkiliy-huquqiy masalalarini tartibga solishga doir normativ-huquqiy hujjatlar va ularni qo'llash amaliyoti, ayrim xorijiy davlatlar qonunchiligi va amaliyotidagi tajribalar, SI faoliyatini tashkil etishga doir xalqaro standartlar, shuningdek, o'rganilayotgan mavzuga oid ilmiy-nazariy qarashlar, konseptual yondashuvlar va g'oyalar tashkil etadi.

Tadqiqotning usullari. Tadqiqotda mantiqiy, tarixiy, qiyosiy-huquqiy, aniq sotsiologik, ilmiy manbalarni kompleks tadqiq etish, statistik ma'lumotlar tahlili, qonun hujjatlarini sharhlash, qonunni qo'llash amaliyotini o'rganish kabi usullardan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

sun'iy intellekt texnologiyalarini qo'llab-quvvatlash uchun maxsus rejim ostida sun'iy intellekt texnologiyalariga asoslangan tajriba-sinov ishlarini amalga oshirish,

dasturiy mahsulotlarni ishlab chiqish va xizmatlar ko'rsatish bilan bog'liq faoliyat yurituvchi yuridik shaxslar hamda ilmiy tashkilotlar uchun zarur tashkiliy-huquqiy sharoit yaratish, dasturiy mahsulotlarni tajribadan o'tkazish va amaliyotga joriy qilish jarayonida yuzaga keladigan huquqiy munosabatlarda yengillik yaratishga qaratilgan maxsus huquqiy rejim tushunilishi asoslantirilgan;

sun'iy intellekt texnologiyalarini qo'llab-quvvatlash uchun belgilangan tartibda maxsus rejim ishtirokchilari sifatida ro'yxatdan o'tkazilgan va maxsus rejimning ishchi organi tomonidan yuritiladigan maxsus rejim ishtirokchilarining yagona reyestriga kiritilgan yuridik shaxs, shu jumladan, ilmiy tashkilot tan olinishi asoslantirilgan;

maxsus rejim ishtirokchilari maqomini olishga talabgorlar mazkur maxsus rejim ishtirokchisi maqomini olishga ariza bergan yuridik shaxslar, shu jumladan, ilmiy tashkilotlar hisoblanishi asoslantirilgan;

sun'iy intellekt texnologiyalarini qo'llab-quvvatlash uchun maxsus rejim ishtirokchi tashkilotini maxsus rejim ishtirokchisi maqomidan mahrum qilish asoslari sifatida maxsus rejim ishtirokchisi maqomini olish uchun taqdim qilingan ma'lumot va hujjatlarda keyinchalik ularning to'liqligi, xolisligi va to'g'riligi bo'yicha asosli kamchiliklar aniqlanishi, maxsus rejim ishtirokchisining faoliyati loyiha doirasida ko'rsatilgan faoliyat turlariga muvofiq emasligi hamda ishchi organ bilan tuzilgan maxsus rejim ishtirokchisining faoliyat shartlari to'g'risidagi shartnomada ko'rsatilgan majburiyatlarni bajarmasligi asoslantirilgan;

identifikatsiya tizimi jismoniy va yuridik shaxslarni identifikatsiyalashning rasmiy ma'lumotlar manbai va u orqali olingan ma'lumotlar davlat organlari, banklar, moliya va boshqa xizmatlardan foydalanuvchi shaxslarni masofaviy identifikatsiya (autentifikatsiya) qilishning asosi hisoblanishi asoslantirilgan;

sun'iy intellekt texnologiyalarini qo'llash bo'yicha tajriba-sinov ishlarini amalga oshirish, dasturiy mahsulotlarni ishlab chiqish va xizmatlar ko'rsatish bilan bog'liq faoliyat yurituvchi yuridik shaxslar hamda ilmiy tashkilotlar uchun zarur tashkiliy-huquqiy sharoit yaratish, dasturiy mahsulotlarni tajribadan o'tkazish va amaliyotga joriy qilish jarayonida yuzaga keladigan huquqiy munosabatlarda yengillik yaratishga qaratilgan maxsus huquqiy rejim tushunchasi asoslantirilgan

Tadqiqotning amaliy natijalari quyidagilardan iborat:

sun'iy intellekt tushunchasiga oid mavjud konseptual yondashuvlarni tahlil qilish negizida mualliflik ta'rifi ishlab chiqildi;

Fuqarolik kodeksiga sun'iy intellekt ishtirokida ijtimoiy munosabatlarda yuridik javobgarlikni belgilash yuzasidan qoidalarni kiritish zarurati asoslantirildi;

sun'iy intellekt qo'llanadigan sohalarda uning ishtirokida yuzaga keladigan atrof-muhit, inson, jamiyat va davlat manfaatlariga zarar yetkazish holatlarida yuzaga keladigan javobgarlikning nazariy va uslubiy qarashlar shakllantirildi;

sun'iy intellektning huquq subyektililigiga oid ilmiy-nazariy qarashlar asosida sun'iy intellektning huquqiy tabiati tahlil qilinib, mualliflik yondashuvi ishlab chiqildi;

sun'iy intellekt tizimining o'z harakatlari (yoki harakatsizligi) uchun bevosita va bilvosita javobgarligi modellari tahlil qilinib, turli sohalarda qo'llanadigan sun'iy intellekt javobgarligini tartibga solish yuzasidan tavsiyalar ishlab chiqildi;

sun'iy intellektni tartibga solishning huquqiy asoslarini takomillashtirish yuzasidan alohida hujjatlar (axloq kodeksi, alohida qonun va sun'iy intellektni rivojlantirish konsepsiyasi) ishlab chiqildi.

Tadqiqot natijalarining ishonchligi shundan iboratki, sun'iy intellekt sohasidagi amaliyot va nazariy ma'lumotlar rasmiy manbalardan olingan, rivojlangan xorijiy davlatlarning (AQSh, Buyuk Britaniya, Yevropa Ittifoqi, Xitoy, Yaponiya, Kanada va boshqalar) sun'iy intellekt javobgarligi mexanizmlarini joriy etish bo'yicha ilg'or tajribalari o'rganilgan, mazkur sohada bevosita faoliyat olib boruvchi mutaxassislar bilan ekspertlar so'rovi va respondentlarning anketa so'rovnomalari tahlil etilgan, tadqiqot natijalari milliy va xorijiy ilmiy nashrlarda chop etilgan, taklif va tavsiyalar aprobatyadan o'tkazilib, vakolatli organlar tomonidan tasdiqlangan va amaliyotga joriy etilgan.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqotning ilmiy ahamiyati shundan iboratki, mazkur tadqiqot natijasida ishlab chiqilgan qoidalar Axborot texnologiyalari huquqi, Sun'iy intellekt va huquq, Kiber huquqi, Xalqaro xususiy huquqi, Xalqaro tijorat huquqi hamda Biznes huquqi fanlari nazariyasining rivojlanishiga xizmat qiladi.

Ilmiy izlanishlar natijasida ishlab chiqilgan xulosalardan kelajakda ilmiy tadqiqot ishlarini olib borishda, oliy ta'lim muassasalari, yuridik texnikumlarda Axborot texnologiyalari huquqi, Sun'iy intellekt va huquq, Kiber huquqi, Xalqaro xususiy huquq, Xalqaro tijorat huquqi hamda Biznes huquqi moduli bo'yicha dars o'tishda, o'quv va o'quv-uslubiy qo'llanmalar tayyorlashda foydalanilishi mumkin. Shuningdek, tadqiqot ishi raqamlashtirish jarayonida SI amaliy faoliyatini tashkil etish bilan bog'liq muammolarning hal etilishiga xizmat qiladi.

Tadqiqotning amaliy ahamiyati SI tomonidan turmushning turli sohalarida ishtirok etishining huquqiy mexanizmini takomillashtirishga qaratilgan bir qator qoida va amaliy tavsiyalar ishlab chiqilganida ifodalanadi. Tadqiqot natijalaridan tibbiyot, ekologiya, shaharsozlik, qishloq xo'jaligi, advokatura, sud tizim va boshqa sohalarda SIDan foydalanishga oid qonunchilik va amaliyotni takomillashtirishda, mazkur yo'nalishdagi O'zbekiston Respublikasi hukumati hujjatlarini tayyorlash amaliyotida foydalanish mumkin.

Tadqiqot natijalarining joriy qilinishi. Tadqiqot ishi bo'yicha olingan ilmiy natijalardan quyidagilarda foydalanilgan:

sun'iy intellekt texnologiyalarini qo'llab-quvvatlash uchun maxsus rejim ostida sun'iy intellekt texnologiyalariga asoslangan tajriba-sinov ishlarini amalga oshirish, dasturiy mahsulotlarni ishlab chiqish va xizmatlar ko'rsatish bilan bog'liq faoliyat yurituvchi yuridik shaxslar hamda ilmiy tashkilotlar uchun zarur tashkiliy-huquqiy sharoit yaratish, dasturiy mahsulotlarni tajribadan o'tkazish va amaliyotga joriy qilish jarayonida yuzaga keladigan huquqiy munosabatlarda yengillik yaratishga qaratilgan maxsus huquqiy rejim tushunilishi yuzasidan takliflari Vazirlar Mahkamasining 2021-yil 29-noyabrdagi 717-son qarori bilan tasdiqlangan "Sun'iy intellekt texnologiyalarini qo'llab-quvvatlash uchun maxsus rejim tashkil etish va uning faoliyatini yo'lga qo'yish tartibi to'grisida"gi Nizomning 3-bandini ishlab chiqishda e'tiborga olingan (O'zbekiston Respublikasi Vazirlar Mahkamasining Yuridik ta'minlash boshqarmasining 2022-yil 16-sentabrdagi 12/21-66-son dalolatnomasi). Ushbu

taklifning amalga oshirilishi qonunchilikda sun'iy intellekt texnologiyalarini qo'llab-quvvatlash maxsus rejimi huquqiy maqomini belgilashga xizmat qilgan;

sun'iy intellekt texnologiyalarini qo'llab-quvvatlash uchun belgilangan tartibda maxsus rejim ishtirokchilari sifatida ro'yxatdan o'tkazilgan va maxsus rejimning ishchi organi tomonidan yuritiladigan maxsus rejim ishtirokchilarining yagona reyestriga kiritilgan yuridik shaxs, shu jumladan, ilmiy tashkilot tan olinishi yuzasidan takliflari Vazirlar Mahkamasining 2021-yil 29-noyabrdagi 717-son qarori bilan tasdiqlangan "Sun'iy intellekt texnologiyalarini qo'llab-quvvatlash uchun maxsus rejim tashkil etish va uning faoliyatini yo'lga qo'yish tartibi to'grisida"gi Nizomning 3-bandini ishlab chiqishda e'tiborga olingan (O'zbekiston Respublikasi Vazirlar Mahkamasining Yuridik ta'minlash boshqarmasining 2022-yil 16-sentabrdagi 12/21-66-son dalolatnomasi). Ushbu taklifning amalga oshirilishi qonunchilikda sun'iy intellekt texnologiyalarini qo'llab-quvvatlash maxsus rejimi ishtirokchilari tushunchasi va ularning huquqiy maqomini belgilashga xizmat qilgan;

maxsus rejim ishtirokchilari maqomini olishga talabgorlar – bu mazkur maxsus rejim ishtirokchisi maqomini olishga ariza bergan yuridik shaxslar, shu jumladan, ilmiy tashkilotlar hisoblanishi yuzasidan takliflari Vazirlar Mahkamasining 2021-yil 29-noyabrdagi 717-son qarori bilan tasdiqlangan Sun'iy intellekt texnologiyalarini qo'llab-quvvatlash uchun maxsus rejim tashkil etish va uning faoliyatini yo'lga qo'yish tartibi to'grisidagi Nizomning 3-bandini ishlab chiqishda e'tiborga olingan (O'zbekiston Respublikasi Vazirlar Mahkamasining Yuridik ta'minlash boshqarmasining 2022-yil 16-sentabrdagi 12/21-66-son dalolatnomasi). Ushbu taklifning amalga oshirilishi sun'iy intellekt texnologiyalarini qo'llab-quvvatlash maxsus rejimi ishtirokchilari talabgorlari tushunchasi va huquqiy maqomini belgilashga xizmat qilgan;

sun'iy intellekt texnologiyalarini qo'llab-quvvatlash uchun maxsus rejim ishtirokchi tashkilotini maxsus rejim ishtirokchisi maqomidan mahrum qilish asoslari sifatida maxsus rejim ishtirokchisi maqomini olish uchun taqdim qilingan ma'lumot va hujjatlarda keyinchalik ularning to'liqligi, xolisligi va to'g'riligi bo'yicha asosli kamchiliklar aniqlanishi, maxsus rejim ishtirokchisining faoliyati loyiha doirasida ko'rsatilgan faoliyat turlariga muvofiq emasligi hamda ishchi organ bilan tuzilgan maxsus rejim ishtirokchisining faoliyat shartlari to'g'risidagi shartnomada ko'rsatilgan majburiyatlarni bajarmasligi yuzasidan takliflari Vazirlar Mahkamasining 2021-yil 29-noyabrdagi 717-son qarori bilan tasdiqlangan Sun'iy intellekt texnologiyalarini qo'llab-quvvatlash uchun maxsus rejim tashkil etish va uning faoliyatini yo'lga qo'yish tartibi to'grisidagi Nizomning 23-bandini ishlab chiqishda e'tiborga olingan (O'zbekiston Respublikasi Vazirlar Mahkamasining Yuridik ta'minlash boshqarmasining 2022-yil 16-sentabrdagi 12/21-66-son dalolatnomasi). Ushbu taklifning amalga oshirilishi maxsus rejim ishtirokchi tashkilotini maxsus rejim ishtirokchisi maqomidan mahrum etish asoslarini belgilashga xizmat qilgan;

identifikatsiya tizimi jismoniy va yuridik shaxslarni identifikatsiyalashning rasmiy ma'lumotlar manbai va shu orqali olingan ma'lumotlar davlat organlari, banklar, moliya va boshqa xizmatlardan foydalanuvchi shaxslarni masofaviy identifikatsiya (autentifikatsiya) qilishning asosi hisoblanishi to'g'risidagi taklifi Vazirlar Mahkamasining 2020-yil 30-oktabrdagi "Aholiga taqdim etilayotgan elektron davlat xizmatlarini ko'rsatishda shaxsni tasdiqlash tizimini yanada rivojlantirish chora-

tadbirlari to'g'risida"gi 679-son qarorining 3-bandini ishlab chiqishda foydalanilgan (O'zbekiston Respublikasi Vazirlar Mahkamasining Yuridik ta'minlash boshqarmasining 2022-yil 16-sentabrdagi 12/21-66-son dalolatnomasi). Ushbu taklifning amalga oshirilishi jismoniy va yuridik shaxslarni identifikatsiyalashning huquqiy asoslarini takomillashtirishga xizmat qilgan;

sun'iy intellekt texnologiyalarini qo'llash bo'yicha tajriba-sinov ishlarini amalga oshirish, dasturiy mahsulotlarni ishlab chiqish va xizmatlar ko'rsatish bilan bog'liq faoliyat yurituvchi yuridik shaxslar hamda ilmiy tashkilotlar uchun zarur tashkiliy-huquqiy sharoit yaratish, dasturiy mahsulotlarni tajribadan o'tkazish va amaliyotga joriy qilish jarayonida yuzaga keladigan huquqiy munosabatlarda yengillik yaratishga qaratilgan maxsus huquqiy rejim tushunchasi yuzasidan bergan taklif Vazirlar Mahkamasining tashabbusi asosida ishlab chiqilgan O'zbekiston Respublikasi Prezidentining "Sun'iy intellekt texnologiyalarini qo'llash bo'yicha maxsus rejimni joriy qilish chora-tadbirlari to'g'risida" 2021-yil 26-avgustdagi PQ-5234-son qarori 2-bandining "a" kichik bandini ishlab chiqishda inobatga olingan (O'zbekiston Respublikasi Vazirlar Mahkamasining Yuridik ta'minlash boshqarmasining 2022-yil 16-sentabrdagi 12/21-66-son dalolatnomasi). Ushbu taklifning amalga oshirilishi qonunchilikda Sun'iy intellekt texnologiyalarini qo'llash bo'yicha maxsus rejimning ilmiy asoslangan tushunchasini belgilashga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Tadqiqotning natijalari 5 ta ilmiy-amaliy anjumanda, jumladan, 3 ta xalqaro va 2 ta respublika ilmiy-amaliy anjumanlarida muhokamadan o'tkazilgan.

Tadqiqot natijalarining e'lon qilinganligi. Dissertatsiya mavzusi bo'yicha jami 21 ta ilmiy ish, jumladan, 1 ta monografiya, 15 ta ilmiy jurnal maqolalari, 5 ta ilmiy-amaliy konferensiya (xalqaro va respublika) tezislari chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya kirish, o'n bitta paragrafni o'z ichiga olgan to'rt bob, xulosa, foydalanilgan adabiyotlar ro'yxati va ilovadan iborat. Dissertatsiyaning umumiy hajmi 242 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **kirish** qismida tadqiqot mavzusining dolzarbligi va zarurati, tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo'nalishlariga muvofiqligi, dissertatsiya mavzusi bo'yicha xorijiy ilmiy tadqiqotlar sharhi, muammoning o'rganilganlik darajasi, dissertatsiya mavzusining dissertatsiya bajarilayotgan oliy ta'lim muassasasining ilmiy tadqiqot ishlari rejalari bilan bog'liqligi, tadqiqotning maqsad va vazifalari, obykti va predmeti, usullari, tadqiqotning ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, tadqiqot natijalarining ilmiy va amaliy ahamiyati, ularning joriy qilinganligi, tadqiqot natijalarining aprobatsiyasi va e'lon qilinganligi, dissertatsiyaning tuzilishi va hajmi yoritib berilgan.

Dissertatsiyaning "**Sun'iy intellekt doirasida huquqiy javobgarlikning umumnazariy masalalari va konseptual yondashuvlari**" deb nomlangan birinchi bobida sun'iy intellektning rivojlanish evolyutsiyasi va istiqbollari, sun'iy intellekt

tushunchasini aniqlashda konseptual yondashuvlar hamda sun'iy intellektni huquqiy tartibga solish zarurati va javobgarligining nazariy-huquqiy shartlari tahlil qilingan.

Sun'iy intellektning yaratilishi va uning tarixiy rivojlanishini tadqiq etgan olimlarning fikriga ko'ra, sun'iy intellekt o'z tarixiy rivojlanish yo'lida sun'iy intellektning oltin davri, sun'iy intellektning birinchi qishi, sun'iy intellektning ikkinchi qishi, sun'iy intellektning yangi davri kabi bosqichlarni bosib o'tganligi tahlil etilgan.

Tadqiqotchi tomonidan sun'iy intellektni tarixiy rivojlanish tendensiyalarini tahlil etish hamda hozirga kelib sun'iy intellekt jahon hamjamiyatning ajralmas qismiga va inson hayotining barcha sohalariga shiddat bilan kirib borayotganligidan kelib chiqib, sun'iy intellekt evolyutsiyasini shartli ravishda quyidagi davrlarga bo'lish maqsadga muvofiq deb topilgan:

1) **Sun'iy intellekt yaratilishining dastlabki davri.** Dissertantning fikricha, bu davr bir necha bosqichlarni o'z ichiga oladi. Birinchi bosqich 1950–1975-yillarni o'z ichiga oladi. Mazkur davrda sun'iy intellekt ikkita asosiy yo'nalishda rivojlangan, ya'ni matematik mantiq va neyron tarmoqlar. Bu davrda kompyuterlarning ko'proq ma'lumotni saqlash va tezroq ishlay olish qobiliyati rivojlandi. AQSh Mudofaa ilg'or tadqiqot loyihalari agentligi (DARPA) kabi davlat idoralari sun'iy intellekt bo'yicha tadqiqotlarni moliyalashtirishga alohida e'tibor qaratdi. Bunda asosiy urg'u og'zaki tilni shifrlash va tarjima qilishga qaratilib, shuningdek, yuqori qayta ishlash qobiliyatiga ega bo'lgan mashinalarga qiziqish yanada ortib bordi.

Tadqiqotchining fikriga ko'ra, ikkinchi bosqichda, ya'ni 1975–1980-yillar orasida sun'iy intellekt sohasida neyron tarmoqlarni o'rganish va tadqiq etish to'xtab qoldi. Olimlar tomonidan neyron tarmoqlari qattiq tanqid ostiga olindi. Eng asosiy e'tirozlardan biri shundaki, SIning hisoblash imkoniyatlarini o'rganish jarayonida u hozircha eng oddiy mantiqiy funksiyani bajara olmaydi degan xulosa ilgari surildi. Natijada AQSh, Yaponiya hukumati tomonidan boshlangan loyihalar (to'liq avtonom transport vositasi, beshinchi avlod superkompyuteri) yopildi. Avtomatik tarjimonlar va matnni qayta ishlash tizimlari bilan bog'liq ko'plab loyihalar kasodga uchraganligi ta'kidlab o'tiladi.

Dissertant uchinchi bosqichda 1980–1984-yillar ekspert tizimlarining rivojlanishi sun'iy intellektga yana qayta qiziqish uyg'onishiga sabab bo'lganligini ta'kidlaydi. Jumladan, 1980-yillarda tibbiyot, huquq va boshqa sohalarida SI negizidagi ekspert tizimlardan muvaffaqiyatli foydalanilishi SI sohasining ilk marta tijoriy salohiyatga ega ekanligi ko'rsatildi.

Sun'iy intellekt yaratilishi dastlabki davrining to'rtinchi bosqichi 1984–1990-yillarni o'z ichiga oladi. Ushbu davrda sun'iy intellektning rivojlanishi yana sezilarli darajada sekinlashdi. Buning asosiy sababi shundaki, shaxsiy kompyuterlarning paydo bo'lishi natijasida rivojlanishning yangi yo'nalishi – kompyuter fanlari paydo bo'ldi. Sun'iy intellekt sohasidagi ko'plab olim va amaliyotchilar ushbu yangi sohada ishlay boshlaganligi ta'kidlab o'tiladi.

2) **Sun'iy intellektning rivojlanish davri.** Muallifning fikricha, bu 1990-yildan 2050-yillargacha bo'lgan davrni o'z ichiga oladi. Hozirgi kunga qadar bu davr ichida SI sohasida eng muhim natijalar qo'lga kiritilishi ko'zda tutilmoqda. Buning sababi shundaki, 30-40 yillar oldin fanning rivojlanishiga sezilarli darajada to'siq bo'lib turgan kompyuter xotirasining cheklanganligiga barham berildi, chunki

insoniyat hozir (**Big data**) davrida, ya'ni inson uchun qayta ishlash imkonsiz bo'lgan katta hajmdagi ma'lumotlar to'planayotgan davrda yashayapti. 2050-yilga qadar sun'iy intellekt jamiyat hayotining barcha sohalariga: yengil va og'ir sanoat, iqtisodiyot, ta'lim, qishloq xo'jaligi, tibbiyot sohasi, farmatsevtika, elektron hukumat, sud huquqtizimi va boshqa sohalarga to'liq kirib boradi. Boshqacha aytganda, sun'iy intellekt insonning beminnat yordamchisiga aylanib ulguradi.

3) **Sun'iy intellektning taraqqiy etgan davri.** Dissertantning ta'kidlashicha, bu 2050-yildan keyingi davrni o'z ichiga oladi. 2050-yildan keyin rivojlangan davlatlarda super sun'iy intellekt yaratiladi. Bu davrda sun'iy intellektning fikrlash qobiliyati insonning fikrlash qobiliyatiga nisbatan bir necha barobar ortib ketadi. Natijada suniy intellektning eng taraqqiy etgan modellari yaratiladi. Boshqacha aytganda, ushbu davrda huquqiy maqomga ega bo'la oladigan super sun'iy intellekt (elektron shaxs) yaratiladi va jamiyat a'zolarining teng huquqli subyektlari sifatida harakatlanishi mumkinligi bashorat qilinadi.

Tadqiqotchining fikriga ko'ra, sun'iy intellekt jamiyat hayotining barcha sohalariga kirib borib, inson hayotining ajralmas qismiga aylanib bormoqda. Ayni damda, uning fikricha, sun'iy intellekt bilan bog'liq yangi munosabatlarning vujudga kelishi va uning jadallik bilan taraqqiy etib borishi ushbu sohaning huquqiy asoslarini yanada takomillashtirishni talab etmoqda. Xususan, sun'iy intellektni qo'llash natijasida yetkazilgan zarar uchun javobgarlik bilan bog'liq masalalar hanzgacha ochiqlicha qolmoqda.

SIning javobgarligi uning huquqiy maqomi bilan ham bog'liq. Boshqacha aytganda, sun'iy intellektni shiddat bilan taraqqiy etib borishi uning huquqiy maqomi, shuningdek, SI sohasidagi yuridik javobgarlik subyektlari doirasi ham o'zgarishi to'grisidagi fikrlar asoslantirilgan. Shunga ko'ra, O'zbekiston Respublikasida SIning tadrijiy rivojlanishi nuqtayi nazaridan, yuridik javobgarlikni belgilashda quyidagi bosqichlarni bosib o'tishi va buning barobarida javobgarlikni quyidagicha taqsimlash maqsadga muvofiq deb topilgan:

1) ***Sun'iy intellekt (2010-yildan 2030-yilgacha bo'lgan davrni o'z ichiga oladi).*** Bu yerda SI oddiy bo'lib, faqat muayyan aniq vazifalarni bajarishi bilan chegaralanishi, o'z fikriga ega emasligi, mustaqil o'rganishi, o'z qobiliyatini rivojlantirish, atrof muhitdan olingan ma'lumotlarni tahlil etib, mustaqil qaror qabul qilish darajasiga ega bo'lmaydi. Ushbu holatda SI ishtirokida zarar yetkazish holatlarida faqat insonlar javobgar bo'lib, ular qatoriga foydalanuvchi, ishlab chiqaruvchi va dasturchi (yaratuvchi) kabilar kiradi, qonunchilikda ularning subsidiar yoki solidar javobgarligi belgilanishi mumkinligi asoslantirilgan (misol uchun, robot manipulyator tugmasini noto'g'ri bosishi zararga olib kelganda, bunga nima sabab bo'lgani, konstruktiv nuqson, ishlab chiqarishdagi nuqson yoki inson omili aniqlanishi shart).

2) ***Rivojlangan sun'iy intellekt (2030-yildan 2060-yilgacha bo'lgan davrni o'z ichiga oladi).*** Bunga hozirgi kunda deyarli to'liq avtopilotga ega "Tesla" avtomobili, "Uber" haydovchisiz taksi xizmati, "Yandex" karta servisi, Aqlli shahar tizimidagi svetoforlarni boshqarish SI tizimi, jarrohlik operatsiyalarini shifokor kuzatuv ostida, mustaqil bajara oladigan SI tizimlari misol tariqasida keltiriladi.

Ushbu holatda SI tomonidan yetkazilgan zarar uchun inson javobgar bo'lib, ular qatoriga foydalanuvchi, ishlab chiqaruvchi va dasturchi (yaratuvchi) kabilar kiradi. Shu

bilan birga, qonunchilikda ushbu SI oshiqcha xavf manbasi sifatida tan olinib, ularning qilmishi uchun javobgarlik aybsiz holatda ham yuzaga kelishi mumkinligi asoslab berilgan (FK 999-moddasi).

3) *Super sun'iy intellekt (2060-yildan keyingi davrni o'z ichiga oladi).* Muallifning fikricha, ushbu davrda to'laqonli huquq subyekti, huquq layoqati va muomala layoqati, delikt javobgarlik layoqatiga ega SI tizimlari yaratiladi. Mazkur holatda javobgarlik insonlar (foydalanuvchi, ishlab chiqaruvchi va dasturchi (yaratuvchi)ga emas, balki SI zimmasiga yuklanadi. Bunda javobgarlikka tortishda ayb emas, balki obyektiv harakat inobatga olinadi.

Shu munosabat bilan, sun'iy intellektni huquqiy tartibga solishning strategiyasi yoki konsepsiyasini shakllantirib, unda:

SI yuridik maqomi va javobgarlik ehtimolini aniqlash;

milliy huquqda SIni rivojlantirish yo'nalishlarini taklif qilish;

SI avtonom aqlli tizimlar allaqachon mavjud turlaridan, shu jumladan, transport, aloqa, xavfsizlik va boshqalardan foydalanish bilan bog'liq huquqiy ahamiyatga ega muammolarni o'rganish;

SI avtonom intellektual tizimlarni ishlab chiqish, nazorat qilish va joylashtirish bilan bog'liq doktrinalar va huquqiy qoidalarni yaratish istiqbollari, bunday tizimlardan foydalanishda qo'llanadigan huquqiy rejimlarni, shuningdek, sun'iy intellektni huquqiy qo'llab-quvvatlashning yangi mexanizmlari o'rtasidagi aloqalarni shakllantirish;

SI tizimlarini ishlab chiqaruvchilar, ularning operatorlari va boshqa shaxslarga nisbatan yuridik javobgarlik to'g'risidagi zamonaviy qonun normalarini qo'llashning maqbulligi va chegaralarini belgilash maqsadga muvofiq ekanligi asoslantiriladi.

Dissertatsiyaning ikkinchi bobi "**Sun'iy intellekt doirasidagi huquqiy javobgarlik subyektiligi muammolari**" deb nomlangan. Ushbu bobda sun'iy intellektning huquqiy maqomini aniqlashga nisbatan doktrinal va qonunchilikdagi yondashuvlar, sun'iy intellektning huquq subyektiligi muammoli jihatlari, "elektron shaxs" tushunchasi, sun'iy intellektni huquq subyektiligi bilan ta'minlash bo'yicha mavjud yondashuvlar tahlil etilgan.

Tadqiqotchi turli olimlar va ekspertlarning fikr va mulohazalarini tahlil etgan holda, bugungi kunda kompyuter tomonidan ma'lumotlarni qayta ishlash inson tomonidan ma'lumotlarni qayta ishlashdan farqlanishi tobora qiyinlashib borayotgani, inson va mashina o'rtasidagi o'xshashlik tobora ortib borayotgani ertami-kechmi kompyuterlarga "shaxs" maqomini berishni va tegishli munosabatda bo'lishni talab qilishi mumkinligini ta'kidlaydi.

Dissertant sun'iy intellektning huquqiy maqomini aniqlashga nisbatan mavjud doktrinal yondashuvlarni quyidagi konseptual g'oyalarga ajratadi:

Sun'iy intellektni huquq obyektini, ashyo sifatida tan olish konsepsiyasi. Ushbu pozitsiya intellektual tizimlarda insonga xos bo'lgan huquq subyektlarining asosiy xususiyatlari: ong, his-tuyg'ular, vijdon va boshqalarga ega emasligi haqidagi fikrlarga asoslanadi. Shu bilan birga, muallifning ta'kidlashicha, agar mashina yuqori darajadagi rivojlanish va avtonomiyaga erishsa ham, u baribir huquq subyektliligiga ega bo'lishi shart emas.

Sun'iy intellektni yuridik shaxs sifatida tan olish konsepsiyasi. Fanda ma'lum doktrinal va qonunchilik normalarini hisobga oladigan pozitsiya taqdim etiladi, unga ko'ra yuridik shaxsning xususiyatlarini robotlarga moslashtirish nazariy jihatdan joizdir.

Bunday yondashuvning asoslari nafaqat yuridik shaxs nazariyasiga, balki amaldagi huquq tizimida maxsus tuziladigan sun'iy tushuncha sifatida "shaxs" umumiy huquqiy yuridik konstruksiyasiga ham tayanishni o'z ichiga oladi.

Elektron shaxs konsepsiyasi. SI tizimlarining qonunchilikda turli xil ko'rinishdagi nomlari mavjud: "robot", "elektron shaxs", "sun'iy shaxs" va boshqalar. Bugungi kunda ilmiy adabiyotlarda sun'iy intellektni huquq subyekti – elektron shaxs sifatida belgilaydigan mustaqil atama taklif qilinmoqda, bunda so'z bioetik yoki falsafiy g'oya va qarashlar haqida emas, balki oddiy yuridik konstruksiya nomlanishi haqida bormoqda.

Robot huquqning kvazisubyekti konsepsiyasi. Ilmiy adabiyotlarda huquq "kvazisubyekti" atamasi keng tarqalgan bo'lib, unda to'laqonli huquq subyektliligiga ega bo'lmagan huquq subyekti tushuniladi. Ba'zi mualliflar davlat yoki mahalliy organlar shaklida huquqiy munosabatlarda harakat qiladigan turli xil ommaviy-huquqiy tuzilmalarni kvazisubyektlar sifatida tasniflaydi. Biroq hatto huquq kvazisubyektlarda ham huquq subyektliligining sun'iy intellektga xos bo'lmagan iroda kabi sifati mavjud.

Tadqiqotchi yuqoridagi konseptual yondashuvlar asosida sun'iy intellektning huquqlari, erkinliklari va burchlari ham inson huquqlari, erkinliklari va burchlaridan farq qilishi kerak degan xulosaga keladi. Birinchidan, sun'iy intellektning huquq va erkinliklari o'z tabiatiga ko'ra tabiiy bo'lishi mumkin emas, ular doimo shaxs tomonidan ta'minlanadi hamda inson huquq va erkinliklaridan kelib chiqadi. Ikkinchidan, sun'iy intellektga huquq va erkinliklarni berish faqat uning yuqori darajada rivojlangan xilma-xilligiga nisbatan o'rinli bo'lib tuyiladi, lekin hozirda yaratilayotgan va hali insonning bevosita buyruqlariga bog'liq bo'lgan bunday intellekt elementlariga ega mashinalarga mos emas. Shunga ko'ra, sun'iy intellektning huquq va erkinliklari masalasi hali keskin emas – bu texnologik kelajak masalasidir.

Uchinchidan, rivojlangan sun'iy intellektni faqat cheklangan miqdordagi shaxsiy huquq va erkinliklarni (masalan, erkin bo'lish huquqi, o'zini o'zi takomillashtirish huquqi, daxlsizlik va suiiste'molchilikdan himoya qilish huquqi, so'z erkinligi, ijod erkinligi, mualliflik huquqi va cheklangan mulkiy huquqlar) bilan ta'minlash tavsiya etiladi.

Ushbu bob doirasida SI huquqiy maqomi hajmi va uning tabiati borasidagi doktrinal yondashuvlar tahlil qilinib, yuridik adabiyotlarda intellektual tizimlarning huquq layoqati shakllarini, aniqrog'i, huquq subyektliligining taxminiy oraliq variantlari majmuini, shu jumladan, "maxsus huquqiy maqomga ega bo'lgan obyekt", "huquqiy munosabatlar ishtirokchisi", "kvazisubyekti" kabi talqin etish holatlarini o'rganib, kelajakda bir vaqtning o'zida yuridik shaxslar va elektron shaxslarning xususiyatlari va funksiyalarini birlashtirgan huquq subyektlarining ayrim gibridd shakllari yaratilishini istisno etib bo'lmashini qayd etgan.

Ayni paytda dissertant fanda mavjud qarashlar, fikr va g'oyalarga asoslanib huquq subyektlari tarkibiga sun'iy intellektni kiritish muayyan vaqt talab etishi va kelgusida muqarrar hodisa sifatida yuz berishi mumkinligi haqidagi xulosaga keladi.

Dissertatsiyaning “Sun’iy intellektning huquqiy javobgarligi muammolari” deb nomlangan uchinchi bobida sun’iy intellekt javobgarligining huquqiy tabiati, sun’iy intellekt tizimining o‘z harakatlari (yoki harakatsizligi) uchun bevosita javobgarligi modeli hamda turli sohalarda qo‘llanadigan sun’iy intellekt tizimlarining bilvosita javobgarligini aniqlash muammosi tadqiq etilgan.

Muallifning fikriga ko‘ra, texnik taraqqiyotning ushbu bosqichida mavjud bo‘lgan ijtimoiy munosabatlar tabiiy (inson) va sun’iy intellektning ijtimoiy o‘zaro ta’sirining huquqiy tarkibiy qismini o‘zgartirishni, birinchi navbatda, raqamli jamiyatning yangi iqtisodiy tartibini tavsiflash uchun yangi atamalar, kategoriyalar va ta’riflarni kiritish orqali amaldagi qonunchilikni o‘zgartirishni talab qilmoqda.

Tadqiqotchining fikriga ko‘ra, bir qator mualliflar SIga huquq subyekti maqomini berish masalasini muhokamaga qo‘yish hali erta ekanligini asoslaydilar. Shu bilan birga, aksariyat olimlar SI subyektiga huquqiy maqom berish ehtiyoji hozircha mavjud emasligini tan olishsa ham, kelajakda aqlli mashinalarga huquqiy maqom berish masalasi muqarrar ravishda ko‘tarilishini ta’kidlaydilar.

Ayni damda, muallifning fikriga ko‘ra, SIga elektron shaxs huquqiy maqomini berish, uning avtonom va mustaqilligini tan olish, jismoniy va yuridik shaxslar (ya’ni undan foydalanuvchi, ishlab chiqaruvchi, yaratuvchi)ni ularning harakatlari uchun javobgarlikdan ozod qilish emas, balki SI javobgarligini tartibga solishga qaratilgan bo‘lishi hamda SI va uning orqasida turgan shaxslar javobgarligini to‘laqonli farqlash muammolari hal etishi lozim.

Tadqiqot ishida xorijiy mamlakatlar qonunchiligi tahlillari asosida *O‘zbekiston Respublikasi Fuqarolik kodeksining 999-moddasiga o‘zgartirish kiritib, SI tizimlarini oshiqcha xavf manbai deb tan olish, shuningdek, barcha yangi yaratilgan va muomalaga kiritilayotgan SI texnologiyalarining potensial xavfidan kelib chiqib, keng doiradagi foydalanuvchilar uchun mo‘ljallangan SI texnologiyalarini ekspertizadan o‘tkazishning ma’muriy tartibini belgilash zarurligi asoslantiriladi.*

Tadqiqotchi sun’iy intellektni rivojlantirishning taklif etilayotgan vaqt bosqichlari va sun’iy intellektning huquq subyektiligi va huquqiy javobgarligini belgilovchi qonun hujjatlarini yaqin istiqbol, o‘rta istiqbol va uzoq muddatli istiqbolda sun’iy intellekt huquqiy javobgarligini tartibga solish, SI subyektlarining huquqiy maqomi va mazmuni, yuridik faktlar va javobgarlikka tortish mexanizmlarini belgilab beruvchi kodifikatsiyalashtirilgan normativ-huquqiy hujjatning qabul qilinishi kutiladi, degan fikrni ilgari suradi.

Dissertatsiya ishida muallif tomonidan xorijiy mamlakatlar qonunchiligida sun’iy intellekt tomonidan sodir etilgan delikt uchun fuqarolik-huquqiy javobgarlikka tortishning bir necha yondashuvlari ilmiy jihatdan tahlil etilgan. Unga ko‘ra, birinchi model, “*The Perpetration-by-Another*” (boshqa shaxs orqali sodir etish) modeli sun’iy intellektni javobgarlik subyekti sifatida tan olmaydi va bir vaqtning o‘zida *actus reus* (huquqqa xilof harakat) va *mens rea* (ayb, ruhiy holat) kombinatsiyasiga ega bo‘lishini talab qilmaydi.

Ikkinchi model, “*The Natural-Probable-Consequence Liability*” (tabiiy, ehtimoliy oqibat) modeli, dasturchining (foydalanuvchining) javobgar bo‘lishi uchun *actus reus* (huquqqa xilof harakat) va *mens rea* (ayb, ruhiy holat) bo‘lishi shartligini

nazarda tutmaydi. Bu holat sun'iy intellekt tizimidan normal foydalanish vaqtida yuz bergan ehtiyotsizlik va xato tufayli huquqbuzarlik sodir etilganda yuzaga keladi.

Uchinchi model, *“The Direct Liability”* (to'g'ridan to'g'ri javobgarlik) modeli bo'lib, u butunlay boshqacha xarakterga ega. U sun'iy intellektni keyinchalik fuqarolik-huquqiy javobgarlikka tortish mumkin bo'lgan mustaqil huquq subyekti deb hisoblaydi. Model nomidan ko'rinib turibdiki, u to'g'ridan to'g'ri sun'iy intellekt javobgarligini belgilaydi, SI harakatlari uchun dasturchi (foydalanuvchi) javobgar hisoblanmaydi.

Shuningdek, muallif tomonidan O'zbekiston Respublikasi Fuqarolik kodeksining birinchi qismini yangi 1004¹-modda “Robot agentning xatti-harakatlari uchun javobgarlik” bilan to'ldirish taklif etilgan.

Dissertatsiyaning **“Sun'iy intellekt qo'llanishiga oid qonunchilik bazasini takomillashtirish muammolari”** deb nomlangan to'rtinchi bobida sun'iy intellektni ishlab chiqarish va qo'llash bilan bog'liq ijtimoiy munosabatlarni huquqiy tartibga solishning xorijiy tajribasi (qiyosiy tahlil), sun'iy intellektni tartibga solishning huquqiy asoslarini takomillashtirish istiqbollari tadqiq etiladi hamda axloq kodeksi, alohida qonun va sun'iy intellektni rivojlantirish konsepsiyasi taklif etiladi.

Xususan, tadqiqotchining qayd etishicha, O'zbekiston Respublikasida sun'iy intellektni tartibga solish asoslari O'zbekiston Respublikasi Prezidentining 2021-yil 17-fevraldagi “Sun'iy intellekt texnologiyalarini jadal joriy etish uchun shart-sharoit yaratish chora-tadbirlari to'g'risida”gi PQ-4996-son qarori bilan belgilangan. Mazkur qaror “Raqamli O'zbekiston – 2030” strategiyasiga muvofiq hamda mamlakatimizda sun'iy intellekt texnologiyalarini jadal joriy etish va ulardan keng foydalanish uchun qulay shart-sharoitlar yaratish, raqamli ma'lumotlar yuqori sifatini ta'minlash, malakali kadrlar tayyorlash maqsadida qabul qilingan.

Bundan tashqari, 2021-yil 26-avgustdagi “Sun'iy intellektdan foydalanishning alohida rejimini joriy etish chora-tadbirlari to'g'risida”gi PQ-5234-son qarorida ilk marta eksperimental va innovatsion tadqiqotlar doirasida sun'iy intellekt texnologiyalaridan foydalanishning maxsus rejimi joriy etilishi ko'zda tutilgan.

Dissertantning ta'kidlashicha, so'nggi yillarda axborotlashtirish va ilg'or texnologiyalarni turli sohalarda tatbiq etish borasidagi chora-tadbirlar natijasida O'zbekiston Respublikasida AT va sun'iy intellekt sohasida o'ziga xos salohiyat asoslari yaratildi. Buning yaqqol misoli sifatida sun'iy intellekt va zamonaviy axborot texnologiyalari yo'nalishida Farg'ona shahridagi maktablarda “Aqlli maktab” dasturi, Andijon viloyatida “Monterra” ekin maydonlarining holatini baholovchi onlayn platforma, Toshkent viloyatining Nurafshon shahrida “Aqlli shahar”, Toshkent shahrida esa “Xavfsiz shahar” va “Raqamli Toshkent” loyihalarini amalga oshirish rejalashtirilgan.

Shu bilan birga, amaliyotda mazkur SI qo'llanishi holatlari turli sohalarda tizimsiz ortib borishi barobarida ushbu texnologiyalardan foydalanishni huquqiy tartibga solish, xususan, uning salbiy oqibatlari uchun javobgarlikni belgilash ishlari ortda qolmoqda.

Shu munosabat bilan muallif tomonidan turli xorijiy davlatlar tajribasi tahlil etilib, qariyb barcha ilg'or xorijiy davlatlarda sun'iy intellekt sohasida milliy strategik hujjatlar qabul qilinib, ularda jumladan, ilmiy-tadqiqot va ishlanmalarga barqaror sarmoya kiritish, sun'iy intellekt texnologiyalaridan foydalanishdagi to'siqlarni

kamaytirish, iqtisodiyot va milliy xavfsizlik sohasida milliy manfaatlarni himoya qilish bo'yicha chora-tadbirlar rejaları amalga oshirilayotgani qayd etiladi.

Jumladan, AQSh tajribasini qiyosiy tahlil etish shuni ko'rsatadiki, ushbu mamlakatda sun'iy intellekt texnologiyalarini turli sohalarda rivojlantirish faol amalga oshirilmoqda, boshqacha aytganda, sun'iy intellektni rivojlantirish milliy texnologik ustuvorlik sifatida e'lon qilingan. Qolaversa, AQSh o'z raqobatchilaridan o'zib ketish va Amerikaning iqtisodiy hamda texnologik ustunligini saqlab qolishda sun'iy intellekt muhim bo'lib hisoblanadi.

Dissertantning ta'kidlashicha, 2023-yil boshiga kelib, sun'iy intellektni rivojlantirish bo'yicha milliy strategiyalar dunyoning 40 dan ortiq mamlakatlarida qabul qilingan. Ular qatoriga AQSh, Xitoy, Yaponiya, Janubiy Koreya, Buyuk Britaniya, Kanada, Singapur, Birlashgan Arab Amirliklari, Yevropa Ittifoqi, Rossiya Federatsiyasi va boshqa mamlakatlarni kiritish mumkin.

Shu nuqtayi nazardan muallif tomonidan O'zbekiston Respublikasida SI texnologiyalari taraqqiyotiga strategik ahamiyat berish va milliy SI rivojlanishi konsepsiyasini ishlab chiqish taklifi ilgari surilgan.

Tadqiqotchining fikricha, O'zbekistonning uzoq muddatli ijtimoiy-iqtisodiy rivojlanishining prognozlariga ko'ra, raqobatbardosh sun'iy intellekt texnologiyalari yetarli darajada rivojlanmagan va foydalanilmagan taqdirda mamlakatning ilmiy va texnologik rivojlanishining ustuvor yo'nalishlarini amalga oshirish sekinlashadi, bu esa keyinchalik uning iqtisodiy va texnologik jihatdan boshqa mamlakatlardan orqada qolishiga olib keladi.

Muallif bugungi kunda butun dunyoda SI texnologiyalarini ishlab chiqaruvchilar, konstruktorlar va boshqalar, o'z vaqtida Ayzek Azimov tomonidan ishlab chiqilgan robototexnika qonunlariga asoslangan holda SI sohasidagi axloqiy ko'rsatmalarni qabul qilishga kirishganiga jiddiy urg'u beradi. Misol uchun, robototexnika sohasidagi ilk aniq axloqiy standart – "Robotlar va robototexnika tizimlarini axloqiy loyihalash va qo'llash bo'yicha yo'riqnoma"si 2016-yilda Buyuk Britaniyada qabul qilingan. Shuningdek, Yevropada "Yevropa Ittifoqi axloq direktivasi" ishonchli va xavfsiz bo'lgan SIni yaratish maqsadini birinchi o'ringa qo'yadi. Ayni damda, xuddi shu kabi axloqiy tashabbuslar AQSh, Kanada, Xitoy va boshqa davlatlarda ham ishlab chiqilmoqda ekanligi ta'kidlanadi.

Xulosa o'rnida tadqiqotchi xorijiy tajribadan kelib chiqib, Sun'iy intellektni rivojlantirish Milliy konsepsiyasini, O'zbekiston Respublikasida "Sun'iy intellekt tizimi to'g'risida"gi alohida qonunni hamda Sun'iy intellekt sohasida odob-axloq qoidalari (kodeksi)ni ishlab chiqish va qabul qilish taklifini asoslaydi.

XULOSA

O'zbekiston Respublikasida sun'iy intellekt doirasida huquqiy javobgarlik mavzusidagi tadqiqot ishi natijasida quyidagi ilmiy-nazariy xulosalar hamda amaliy taklif va tavsiyalar ishlab chiqildi:

I. Ilmiy-nazariy taklif va xulosalar:

1. Muallifning fikriga ko'ra, huquqiy munosabat subyekti eng avvalo erk muxtoriyatiga, mulkiy mustaqillikka hamda tegishli huquq va muomala layoqatiga ega

bo'lgan shaxs bo'lishi lozim. Bunday sifatlarga tabiiy maqom (inson, jismoniy shaxs, fuqaro) yoki qonuniy maqom (yuridik shaxs, davlat) asosida ega bo'lish mumkin. Sun'iy intellektda erk muxtoriyatining muayyan qirralari mavjud bo'lsa-da, unda mulkiy mustaqillik, ya'ni mol-mulk mavjud bo'lmaydi. Shu sababli huquq subyektiligi nuqtai nazaridan sun'iy intellekt sohibining erk-irodasini amalga oshiruvchi, uning roziligi va ruxsati bilan faoliyatini amalga oshiruvchi "vakil" sifatida tavsiflanishi maqsadga muvofiqdir. Chunki sun'iy intellektning faoliyati bevosita operator (sohibi) tomonidan yo'lga qo'yiladi va uning istagi bilan tugatiladi. Sun'iy intellekt ishtirok etadigan huquqiy munosabat natijasida vujudga keladigan huquq va majburiyatlar uning egasi (mulkdori)ga tegishli bo'ladi.

2. Tadqiqotchining fikriga ko'ra, sun'iy intellekt ishlashi oqibatida yuzaga kelgan huquqiy javobgarlik subyektini belgilash muammosi ham bugungi kunda dolzarbdir. Chunki hozirda sun'iy intellekt avtomobilni boshqarishdan tortib aholiga maishiy xizmat ko'rsatishgacha uy ishlarini bajarish va ijtimoiy-iqtisodiy hayotning barcha sohalarida qo'llanmoqda. Fikrimizcha, ayni damda sun'iy intellekt javobgarlik subyektini bo'la olmaydi, uning faoliyati uchun javobgarlik egasiga yoki zarar sun'iy intellekt nuqsoni oqibatida yetkazilgan bo'lsa ishlab chiqaruvchiga yuklatilishi maqsadga muvofiq. Biroq bunda uchinchi shaxs – jabrlanuvchining huquqiy maqomi (iste'molchi ekanligi)dan kelib chiqib javobgarlik subyektini tanlash imkoniyatini berish mumkin.

3. Dissertantning ta'kidlashicha, huquqiy tafakkur hamda sivilistik doktrinaning bugungi rivojlanish darajasidan kelib chiqib sun'iy intellekt xatti-harakati uchun huquqiy javobgarlik subyektiligini belgilashda oshiqcha xavf manbai maqomidan kelib chiqish ham ahamiyatlidir. Zero, insonning bevosita nazoratidan chiqib ketishi mumkin bo'lgan har qanday obyekt faoliyati uchun uning egasi javobgar sanaladi. Shu nuqtayi nazardan sun'iy intellekt uchinchi shaxslar bilan munosabatga kirishganida yoki bevosita tashqi muhit bilan to'qnash kelishi mumkin bo'lganida u egasining nazorati ostida bo'lishi hamda har qanday kutilmagan nosozlik yuzaga kelganda qaror qabul qilish yoki faoliyat yuritish egasi (inson) tomonidan amalga oshirilishi lozim.

4. Muallifning qayd etishicha, virtual olamning bugungi rivojlanish darajasi va istiqboli "virtual shaxs", "virtual korxon", "elektron shaxs" kabi terminlarni yuzaga keltirdi. Ushbu terminlarning barchasi turlicha ma'noga ega hisoblanadi. Masalan, "virtual shaxs" kibermakonda ro'yxatdan o'tgan shaxs sifatida tushunilishi mumkin. Bundan farqli ravishda "elektron shaxs" mutaxassislar tomonidan sun'iy intellekt sifatida baholanadi. Chunki sun'iy intellekt virtual olamda uchinchi shaxslar bilan huquqiy munosabatga kirishadi hamda buning natijasida vujudga kelgan huquq va majburiyatlar uning o'ziga taalluqli bo'ladi. Mazkur vaziyatda "elektron shaxs" – sun'iy intellekt hisobida (hisobraqamida) mablag'lar mavjud bo'lsa, ushbu mablag' uning zimmasida majburiyatni bajarish uchun sarflanishi yoki javobgarlik qoplanishi mumkinki, bu holat to'liq ma'noda fuqarolik huquqi doktrinasidagi huquq subyektiligining asosiy talablariga mos keladi.

5. Dissertant insonga xos bo'lgan ong sun'iy intellektga xos emasligini ta'kidlaydi. Uning fikriga ko'ra, sun'iy intellektda dasturlashtirilgan aql – intellekt mavjud. Lekin aql ong darajasida bo'la olmaydi. Insondagi ong kutilmagan hamda hech bir o'lchov bilan o'lchab, baholab bo'lmaydigan natijani hosil qilishi mumkin, sun'iy intellektda esa oldindan bilinadigan va dasturda ifodalab qo'yilgan natijalar olinadi.

Shunday ekan, sun'iy intellekt huquqiy javobgarligi ham uning texnik vosita sifatidagi holati bilan bog'liqdir. Shunga qaramay *sun'iy intellekt**dagi aqlning kelajakda qanday darajaga chiqishini hech kim belgilab bera olmaydi. Istiqbolda sun'iy intellektga alohida maqom berilishi va uning huquqiy holati, huquq va muomala layoqati, bitim yoki delikt layoqati kabi jihatlarining huquqiy asoslari belgilanishi talab etiladi.*

6. Muallif fuqarolik huquqida yuridik shaxslarga nisbatan amal qiluvchi "fiksiya nazariyasi" hamda kvazi subyektlilikning sun'iy intellektga nisbatan qo'llanishi masalasining tahlili asosida quyidagi xulosaga keladi: "fiksiya nazariyasi"da amal qiladigan erk-iroda yuridik shaxsga emas, balki uning ta'sischisi yoki boshqaruvchisi bo'lgan jismoniy shaxslarga tegishliligi sun'iy intellekt uchun xos emas. Muayyan dastur yoki texnik vosita sun'iy intellekt hisoblanishi uchun qaror qabul qilish funksiyasiga ega bo'lishi lozim. Shu sababli "fiksiya nazariyasi" sun'iy intellektga mos kelmaydi. Kvazi subyektlilik huquqiy javobgarlik nuqtayi nazaridan sun'iy intellektning huquqiy tabiatiga mos keladi.

7. Quyidagi mualliflik ta'rifini berish taklif etiladi:

*Sun'iy intellekt atrof**dagi jarayonlarni va atrof-muhitni (vaziyatni), munosabatlarni idrok etish (tan olish, tahlil qilish va baholash) va modellashtirish, mustaqil ravishda qaror qabul qilish va amalga oshirish, o'z xatti-harakatlari va tajribasini tahlil qilish va tushunishdan iborat kognitiv dasturga ega sun'iy axborot-kommunikatsiya (elektron, virtual, elektron-mexanik, bioelektron-mexanik yoki gibril) tizimidir.*

8. SI mavjudligining huquqiy asoslarini ishlab chiqishni shartli ravishda ikkita yondashuvga bo'lish mumkinligi qayd etiladi:

- sun'iy intellektga ega amaliy tizimlarni joriy etishning huquqiy asoslarini yaratish va ularning rivojlanishini rag'batlantirish;

- "super sun'iy intellekt"ni yaratish sohasini, xususan, ishlab chiqilgan texnologiyalarning axloq va huquq sohasidagi umume'tirof etilgan standartlarga muvofiqligini tartibga solish.

9. Tadqiqotchining fikriga ko'ra, O'zbekiston Respublikasida SI evolyutsiyasi nuqtayi nazaridan, yuridik javobgarlikni belgilashda quyidagi bosqichlarni bosib o'tish va buning barobarida javobgarlikni quyidagicha taqsimlash talab qilinadi:

1) *Sun'iy intellekt (2010-yildan 2030-yilgacha bo'lgan davrni o'z ichiga oladi)*. Bu yerda SI oddiy bo'lib, faqat muayyan aniq vazifalarni bajarishi bilan chegaralanishi, o'z fikriga ega emasligi, mustaqil o'rganishi, o'z qobiliyatini rivojlantirish, atrof-muhitdan olingan ma'lumotlarni tahlil etib, mustaqil qaror qabul qilish darajasiga ega bo'lmaydi. Ushbu holatda SI ishtirokida zarar yetkazish holatlarida faqat insonlar javobgar bo'lib, ular qatoriga foydalanuvchi, ishlab chiqaruvchi va dasturchi (yaratuvchi) kabilar kiradi, qonunchilikda ularning subsidiar yoki solidar javobgarligi belgilanishi mumkin (misol uchun, robot manipulyator tugmasini noto'g'ri bosishi zararga olib kelganda, bunga nima sabab bo'lgani, konstruktiv nuqson, ishlab chiqarishdagi nuqson yoki inson omili aniqlanishi shart).

2) *Rivojlangan sun'iy intellekt (2030-yildan 2060-yilgacha bo'lgan davrni o'z ichiga oladi)*. Bunga hozirgi kunda deyarli to'liq avtopilotga ega "Tesla" avtomobili, "Uber" haydovchisiz taksi xizmati, "Yandex" karta servisi, Aqlli shahar tizimidagi

svetoforlarni boshqarish SI tizimi, jarrohlik operatsiyalarini shifokor kuzatuvchi ostida, mustaqil bajara oladigan SI tizimlarini misol tariqasida keltirish mumkin.

Ushbu holatda SI tomonida yetkazilgan zarar uchun inson javobgar bo'lib, ular qatoriga foydalanuvchi, ishlab chiqaruvchi va dasturchi (yaratuvchi) kabilar kiradi. Shu bilan birga, qonunchilikda ushbu SI oshiqcha xavf manbasi sifatida tan olinib, ularning qilmishi uchun javobgarlik aybsiz holatda ham yuzaga kelishi mumkin (FK 999-moddasi).

3) *Super sun'iy intellekt (2060-yildan keyingi davrni o'z ichiga oladi)*. Ushbu davrda to'laqonli huquq subyekti, huquq layoqati va muomala layoqati, delikt javobgarlik layoqatiga ega SI tizimlari yaratiladi. Mazkur holatda javobgarlik insonlar (foydalanuvchi, ishlab chiqaruvchi va dasturchi (yaratuvchi))ga emas, balki SI zimmasiga yuklanadi. Bunda javobgarlikka tortishda ayb emas, balki obyektiv harakat inobatga olinadi.

Shu munosabat bilan, sun'iy intellektni huquqiy tartibga solishning strategiyasi yoki konsepsiyasi shakllantirilib, unda:

SI yuridik maqomi va javobgarlik ehtimolini aniqlash;

milliy huquqda SI ni rivojlantirish yo'nalishlarini taklif qilish;

SI avtonom aqlli tizimlar allaqachon mavjud turlaridan, shu jumladan, transport, aloqa, xavfsizlik va boshqalardan foydalanish bilan bog'liq huquqiy ahamiyatga ega muammolarni o'rganish;

SI avtonom intellektual tizimlarni ishlab chiqish, nazorat qilish va joylashtirish bilan bog'liq doktrinalar va huquqiy qoidalarni yaratish istiqbollari, bunday tizimlardan foydalanishda qo'llanadigan huquqiy rejimlarni, shuningdek, sun'iy intellektni huquqiy qo'llab-quvvatlashning yangi mexanizmlari o'rtasidagi aloqalarni shakllantirish;

SI tizimlarini ishlab chiqaruvchilar, ularning operatorlari va boshqa shaxslarga nisbatan yuridik javobgarlik to'g'risidagi zamonaviy qonun normalarini qo'llashning maqbulligi va chegaralarini belgilash maqsadga muvofiq ekanligi ta'kidlab o'tilgan.

10. Sun'iy intellektni huquqiy tartibga solishda uning vazifalari, unga berilgan huquq va erkinliklardan farqli o'laroq, insonning majburiyatlari bilan taqqoslanishi va robototexnikaning uchta mashhur qonuni bilan qat'iy bog'liq bo'lishi taklif etilgan;

shaxsga zarar yetkazmaslik yoki harakatsizlik orqali shaxsga zarar yetkazilishiga yo'l qo'yimaslik;

agar boshqa shaxsga zarar yetkazishga qaratilgan bo'lmasa, shaxs bergan barcha buyruqlarga bo'ysunish;

o'z xavfsizligi to'g'risida bir kishiga zarar yetkazmasa yoki shaxs tomonidan berilgan buyruqlarni buzishga olib kelmaydigan darajada g'amxo'rlik qilish.

11. Dissertant kelajakda sun'iy intellektning huquq subyektiligini e'tirof etgan holda, "inson, uning huquq va erkinliklari eng oliy qadriyatdir" degan asosiy tamoyilni unutmaslik kerak. Shuning uchun sun'iy intellektni huquqiy tartibga solish, ustuvor vazifa sifatida uning huquq va erkinliklariga qo'yilgan umumbashariy cheklolarni belgilashi va batafsil tavsifini berishi kerak. Bu SI ning aql-idroki rivojlanish darajasiga ko'ra ontologik xarakterdagi eng muhim savollarga javob berishi va inson ustuvorligini shubha ostiga oladigan aqlli "mashinalar" paydo bo'lishini kutmasdan, amalga oshirilishi kerak degan xulosaga kelgan.

12. Bugungi kunda SI kuchli intellekt va ayrim masalalarda mustaqil qaror qabul qilish qobiliyatiga qaramay, iroda erkinligiga ega emas, uning imkoniyatlari texnologiya ishlab chiqaruvchisi tomonidan dasturlashtirilgan. Shuning uchun u huquq subyektliligi mustaqil tashuvchisi va to'liq huquqli subyekt bo'lishiga hali erta. Sun'iy intellekt inson shaxsining g'oyatda muhim tarkibiy qismlari (ruh, erkin ong, his-tuyg'ular, niyat, shaxsiy manfaat) tashuvchisi emas. Shu sababli inson imkoniyatlaridan bir necha baravar yuqori bo'lgan axborotni qayta ishlashning yuqori darajadagi tezligiga qaramay, sun'iy intellekt unga bog'liq bo'lgan moddiy va texnik yordamga ega dastur bo'lib qoladi xolos. Yuqoridagilarga asoslanib, ayni damda huquq subyektlari turkumiga sun'iy intellektni kiritish hali erta va maqsadga muvofiq emasligi asoslantirilgan.

13. Muallif tomonidan, sun'iy intellekt mahsulotining zararli oqibatlarini paydo bo'lishiga olib kelgan xatti-harakatlar uchun javobgarlikni aniqlashning quyidagi asosiy modellari ajratib ko'rsatilgan:

- haqiqiy aktor vositasi modeli, unda sun'iy intellekt mahsuloti prinsipial jihatdan aybsiz ("aybdor") agent, huquqbuzarlikning haqiqiy ijrochisining quroli sifatida qabul qilinadi;

- tabiiy ehtimoliy oqibatlar modeli, uning doirasida sun'iy intellekt mahsuloti uni ishlab chiqarish/dasturlashning tabiiy, mantiqiy muntazam va ehtimol oqibati (hosilasi) bo'lgan harakatlarni amalga oshiradi, shuningdek, uni yaratgan va/yoki shaxs tomonidan amalga oshiriladi;

- sun'iy intellekt mahsulotining bevosita o'z harakatlari (yoki harakatsizligi) uchun bevosita javobgarligi modeli;

- sun'iy intellekt mahsuloti egasi va/yoki operatorining ushbu mahsulotning niyatlari va harakatlarini to'g'ri talqin qilmaganligi va ushbu xatti-harakatlarning oldini olmaganligi uchun kvazi-o'rmini bosuvchi javobgarlik (boshqalarning beparvoligi uchun javobgarlik) modeli.

Ushbu modellarning har birini qabul qilish va amalga oshirish uchun turli xil qonunchilik yondashuvlari va chora-tadbirlar majmui talab qilinadi.

14. Tadqiqotchi tomonidan sun'iy intellektni bevosita fuqarolik-huquqiy javobgarlikka tortish uchun muomala layoqatiga ega emasligi to'g'risidagi pozitsiya qo'llab-quvvatlangan. Masalan, ba'zi hollarda elektron tizimning noqonuniy harakatlariga virus dasturlari, masalan, troyan virusi yoki sun'iy intellektdan foydalangan holda noqonuniy harakatlarni amalga oshirish uchun hujum qiladigan boshqa zararli dasturlar tufayli elektron tizimning o'zini bu qilmishda aybdor deb bilish mutlaqo asossiz ko'rinadi. Bu holatda javobgarlik tizimning algoritm sxemasiga kirib, deliktning bevosita sababchisi bo'lgan zararli dasturiy ta'minotni ishlab chiqaruvchi yoki xuddi shu harakatlarni sodir etgan foydalanuvchi zimmasiga yuklatilishi shart. Qolaversa, har qanday holda ham sun'iy intellektni fuqarolik-huquqiy javobgarlik subyekti sifatida tan olish nafaqat batafsil tadqiqotlarni, balki ma'lum darajada ehtiyotkorlikni ham talab qiladigan jarayon.

15. Mualliflik yondashuviga ko'ra, kelgusida ishlab chiqiladigan qonun hujjatlarida aks ettirilgan mulkka yetkazilgan zarardan tashqari robotlar tomonidan yetkazilgan zarar uchun fuqarolik javobgarligiga nisbatan qo'llanadigan har qanday huquqiy qoidalar, jabrlanuvchiga zarar inson bo'lmagan SI agent tomonidan

yetkazilgan degan asosda, undirilishi mumkin bo'lgan zararining turini yoki hajmini cheklamasligi kerak, shuningdek, tovon to'lash shakllarini ham cheklamasligi lozim. Jumladan, qonunchilik huquqiy javobgarlikning qat'iy yondashuvi yoki xavflarni boshqarish yondashuvi qo'llanishi kerakligini aniqlash uchun chuqur baholashga asoslangan bo'lishi kerak. Qat'iy javobgarlik faqat yetkazilgan zararni isbotlash va robotning nomaqbul harakatlari va natijada jabrlangan tomon yetkazilgan zarar o'rtasida sababiy bog'liqlikni o'rnatishni talab qiladi. Javobgar taraflar aniqlangandan so'ng ularning javobgarligi robotga berilgan ko'rsatmalarning haqiqiy darajasiga va uning avtonomligi darajasiga mutanosib bo'lishi kerak. Robotning mashg'ulot vaqti qanchalik uzoq bo'lsa, uning "treneri-murabbiysi"ning javobgarlik darajasi ham shunchalik yuqori bo'lishi kerak. Borgan sari avtonomlashgan robotlar tomonidan yetkazilgan zarar uchun javobgarlikni taqsimlash qiyinligi muammosining yechimi sifatida, masalan, avtomobil transportida bo'lgani kabi, majburiy sug'urta tizimini joriy etish lozim.

16. Tadqiqotchining qayd etishicha, kelgusida universal robototexnika sug'urta tizimini joriy etish zarur bo'ladi. Avtotransport vositalarini sug'urtalashda bo'lgani kabi bunday sug'urta tizimi sug'urta qoplamasi mavjud bo'lmagan hollarda zararni qoplashni ta'minlash uchun maxsus yaratilgan sug'urta fondi tashkil etilishi mumkinligi asoslantirilgan.

Ushbu sug'urtalashda quyidagilar inobatga olinishi ta'kidlangan:

a) zarur bo'lganda va sun'iy intellektli robot bloklarining alohida toifalari uchun asosli majburiy sug'urta sxemasini yaratish, unga ko'ra (avtomobil ishlab chiqaruvchilar kabi) robot ishlab chiqaruvchilari yoki egalari zararni sug'urta qilish majburiyatlarini o'z zimmlariga olishlari mumkin;

b) tashkil etiladigan sug'urta kompensatsiyasi jamg'armasi, agar robot tomonidan yetkazilgan zarar sug'urta bilan qoplanmagan bo'lsa, tovon to'lanishini kafolatlash maqsadlariga xizmat qiladi;

d) ishlab chiqaruvchi, dasturchi, mulkdor yoki foydalanuvchi ko'rsatilgan kompensatsiya sug'urta fondiga o'z hissasini qo'shgan taqdirda, shuningdek, ular tomonidan yetkazilgan zararni qoplashni kafolatlash uchun birgalikda sug'urta shartnomasi tuzgan taqdirda, ularning javobgarligi mos ravishda solidar tartibda taqsimlanadi;

e) barcha avtonom sun'iy intellekt mahsulotlari uchun umumiy sug'urta jamg'armasini yaratish yoki robotlarning har bir toifasi uchun alohida fondlar yaratish to'g'risida qaror qabul qilish zarur;

f) robot va tegishli fond o'rtasidagi aloqa maxsus reyestrda ko'rsatilgan yagona ro'yxatga olish raqamidan foydalanish kerak, bu robot bilan o'zaro aloqada bo'lgan har bir kishiga fondning maqomi, zarar yetkazgan robot, uning egalari va boshqa barcha ma'lumot, shu jumladan, mulkiy javobgarlik chegaralari to'g'risida xabardor bo'lish imkonini beradi;

g) uzoqroq kelajakda robotlar uchun maxsus huquqiy maqom yaratish, hech bo'lmaganda eng murakkab avtonom robotlar, ular yetkazilishi mumkin bo'lgan har qanday zarar uchun javobgar bo'lgan elektron shaxslar sifatida huquqiy maqomga ega bo'lishi mumkin.

17. Sun'iy intellekt texnologiyalari va mahsulotlarini ishlab chiqish va qo'llash sohasidagi qonunchilikni ishlab chiqishda quyidagi yo'nalishlarga urg'u berish taklif etiladi:

- sun'iy intellekt sohasida kompleks ixtisoslashtirilgan normativ-huquqiy hujjatlarni qabul qilish;

- sun'iy intellekt sohasida profilli davlat hokimiyati organi tashkil etilishini ta'minlash;

- sun'iy intellekt mahsulotlari xavfsizligini ta'minlaydigan sun'iy intellekt texnologiyalari va mahsulotlarini sertifikatlashni ta'minlash.

18. Sun'iy intellekt texnologiyalari va mahsulotlarini ishlab chiqish va qo'llash sohasida huquqiy tartibga solishda eng asosiy tamoyillardan biri – ehtiyotkorlik tamoyilidir. Ehtiyotkorlik tamoyili, qoida tariqasida yangi ixtirolar, ularni ishlab chiqaruvchilar shaxslarga, guruhlariga, ayrim subyektlarga, madaniy makonga va ekologiyaga zarar yetkazmasligini isbotlamaguncha cheklanishi va taqiqlanishi kerak, degan fikr ilgari surilgan.

19. Dissertantning fikriga ko'ra, sun'iy intellektni huquqiy tartibga solishda markazlashtirilgan (davlat) tizimni qo'llash qator afzalliklarga ega. Jumladan, proaktiv tartibga solish va xavfsizlik sun'iy intellekt mahsuloti harakatlari uchun yuridik javobgarlikni belgilash bilan bog'liq xavflarni boshqarishdagi noaniqlik darajasini sezilarli darajada kamaytiradi. Ayni chog'da SI va robototexnika sohasida o'z-o'zini tartibga solish yuridik norma ijodkorligi mexanizmlarini qo'llash faqat axloq-odob, etika qoidalarini va reglamentlarini ishlab chiqishda maxsus dasturchilar uyushmalari tashabbuslari sifatida qaralishi mumkin.

II. Amaldagi qonunchilikni takomillashtirish yuzasidan takliflar:

20. O'zbekiston Respublikasining Fuqarolik kodeksiga quyidagi mazmundagi o'zgartirish va qo'shimchalarni kiritish taklif etilgan:

1) 52-bob quyidagi mazmundagi 920¹-modda bilan to'ldirilsin:

“920¹-modda. Sun'iy intellekt oshiqcha xavfini sug'urta qilish.

Sun'iy intellekt oshiqcha xavfini sug'urta qilish shartnomasi bo'yicha faqat sug'urta qildiruvchining o'z faoliyatida qo'llanadigan sun'iy intellekt oshiqcha xavfi va faqat uning foydasiga sug'urtalanishi mumkin.

Sug'urta qildiruvchi bo'lmagan shaxsning sun'iy intellekt oshiqcha xavfini sug'urta qilish shartnomasi o'z-o'zidan haqiqiy emas.

Sug'urta qildiruvchi bo'lmagan shaxsning foydasiga sun'iy intellekt oshiqcha xavfini sug'urta qilish shartnomasi sug'urta qildiruvchi foydasiga tuzilgan hisoblanadi”.

2) 922-moddasi birinchi qismi quyidagi mazmundagi xatboshisi bilan to'ldirilsin: **“qonunda yoki shartnomada belgilangan sun'iy intellekt oshiqcha xavfi”.**

3) 999-moddasi birinchi qismi quyidagi tahrirda bayon etilsin:

Faoliyati tevarak-atrofdagilarga oshiqcha xavf tug'diradigan yuridik shaxslar va fuqarolar (transport tashkilotlari, sanoat korxonalarini, qurilishlar, transport vositalarining egalari va boshqalar), shuningdek, **sun'iy intellekt mahsulotlaridan foydalanuvchilar**, oshiqcha xavf manbai yetkazgan zararni, agar zarar bartaraf etib bo'lmaydigan kuch

yoki jabrlanuvchining qasddan qilgan harakati oqibatida yuzaga kelganini isbotlay olmasalar, to‘lamlari shart.

Ma’lumot uchun: ushbu kiritilgan o‘zgartirish orqali SI texnologiyalari to‘g‘ridan-to‘g‘ri ortib borayotgan xavf manbai ekanligi taklif etilgan.

4) 57-bob quyidagi mazmundagi 1004¹-modda bilan to‘ldirilsin:

“1004¹-modda “Robot agentning xatti-harakatlari uchun javobgarlik.

Robot-agentning egasi robot-agentning xatti-harakatlari uchun robot-agentga egalik qilish va (yoki) foydalanishga o‘tgan vaqtdan boshlab o‘z mulki doirasida javobgar bo‘ladi.

Robot-agentning javobgarligi uning mulkiy huquqiy tabiati bilan bog‘liq bo‘lgan hollarda (shu jumladan, boshqalar uchun oshiqcha xavf tug‘diradigan faoliyat bilan zarar yetkazilgan taqdirda) robot-agentning xatti-harakati uchun javobgarlik uning egasiga subsidiar tartibda yuklanadi.

Ushbu moddada ko‘rsatilgan har qanday holatda robot-agentning egasi va (yoki) foydalanuvchisi robot-agentning xatti-harakatlari uchun javobgar bo‘ladi, ular javobgarlik robot-agentni ishlab chiqish, ishlab chiqarish va (yoki) texnik xizmat ko‘rsatishni amalga oshirgan shaxsning harakatlari natijasida robot-agent tomonidan sodir etilganligini isbotlagan holatlar bundan mustasno.

Agar qonun hujjatlarida yoki shartnomada boshqacha tartib nazarda tutilgan bo‘lmasa, robot-agentni ishlab chiqqan, yaratgan va (yoki) unga xizmat ko‘rsatgan shaxs aybining mavjudligidan qat’i nazar, ushbu moddaga muvofiq javobgar bo‘ladi”.

5) 59-bob quyidagi mazmundagi 1033¹-modda bilan to‘ldirilsin:

“1033¹-modda. Sun’iy intellekt tomonidan yaratilgan intellektual mulk obyektlariga shaxsiy nomulkiy va mulkiy huquqlar.

Sun’iy intellektning dasturiy-apparat va dasturiy vositalari majmuasi tomonidan avtonom tarzda yaratilgan intellektual faoliyat natijasiga bo‘lgan huquqlar, ya’ni insonning sezilarli shaxsiy ijodiy hissasi bo‘lmagan taqdirda, quyidagilarga tegishlidir:

1) ushbu sun’iy intellekt kompleksini ishlab chiqaruvchisiga;

2) sun’iy intellekt dasturiy-texnika kompleksini ishlab chiqaruvchisi bilan ushbu kompleksdan yoki uning imkoniyatlaridan foydalanish uchun tegishli litsenziya shartnomasini tuzgan jismoniy yoki yuridik shaxsga;

3) agar sun’iy intellektning dasturiy-apparat kompleksini ishlab chiqaruvchisi, undan foydalanish uchun ochiq litsenziya taqdim etgan bo‘lsa, ushbu natijani yaratish uchun sezilarli darajada ijodiy hissa qo‘shgan fuqaroga yoki bunday fuqaro bo‘lmagan taqdirda – umumjamoat mulki hisoblanadi”.

21. O‘zbekistonning uzoq muddatli ijtimoiy-iqtisodiy rivojlanishi prognozlariga ko‘ra raqobatbardosh sun’iy intellekt texnologiyalari yetarli darajada rivojlanmagan va foydalanilmagan taqdirda mamlakatning ilmiy va texnologik rivojlanishining ustuvor yo‘nalishlarini amalga oshirish sekinlashadi, bu esa uning keyinchalik iqtisodiy va texnologik jihatdan boshqa mamlakatlardan orqada qolishiga olib keladi. Shu sababli ***Sun’iy intellektni rivojlantirish milliy konsepsiyasini ishlab chiqish*** taklifi ilgari surilgan.

22. Xorijiy tajribadan kelib chiqib O‘zbekiston Respublikasida ham ***“Sun’iy intellekt tizimi to‘g‘risida”***gi alohida qonunni qabul qilish maqsadga muvofiq ekanligi asoslantirib berilgan.

Jumladan, mazkur qonunda quyidagi masalalar qamrab olinishi qayd etilgan:

SI tushunchasi;

SI dan foydalanish asoslari va prinsiplari;

SI maqomi, huquq va majburiyatlari;

SI ishlab chiqaruvchisi maqomi, huquq va majburiyatlari;

SI egasi (mulkdori) maqomi, huquq va majburiyatlari;

SI mulkiy daxlsizligi va mustaqilligi kafolatlari;

SI foydalanish doirasi, huquqiy mexanizmi;

SI bevosita javobgarligi mexanizmi;

SI uchinchi shaxslar oldidagi bilvosita javobgarligi;

SI yetkazgan zarar uchun subsidiar va solidar javobgarlik;

SI yetkazgan zarar uchun tegishli kompensatsiyani to'lash tartibi;

SI ga oid boshqa masalalar.

23. O'zbekiston Respublikasining "Fuqarolar sog'lig'ini saqlash to'g'risida"gi qonuniga yangi 46¹-moddani kiritish taklif etilgan:

46¹-modda. Fuqarolarning sog'lig'iga tibbiy amaliyot davomida qo'llangan sun'iy intellekt tomonidan yetkazilgan zararni qoplash

Robot-assistent xatti-harakatlari uchun javobgarlik robot-assistentdan foydalanayotgan shifokor (shifokorlar brigadasi) zimmasida bo'ladi.

Robot-assistentning javobgarligi uning shifokorlik faoliyati bilan bog'liq bo'lmagan hollarda (shu jumladan, boshqalar uchun oshiqcha xavf tug'diradigan faoliyat bilan zarar yetkazilgan taqdirda) robot-assistentning xatti-harakati uchun javobgarlik uning egasiga subsidiar tartibda yuklanadi.

Ushbu moddada ko'rsatilgan har qanday holatda robot-assistentning egasi va (yoki) foydalanuvchisi robot-assistentning xatti-harakatlari uchun javobgar bo'ladi, zarar yetkazish holati robot-assistentni yaratish, ishlab chiqarish va (yoki) texnik xizmat ko'rsatishni amalga oshirgan shaxsning harakatlari natijasida robot-assistent tomonidan sodir etilganligi isbotlangan holatlar bundan mustasno.

24. O'zbekiston Respublikasining "Axborotlashtirish to'g'risida"gi qonunining 3-moddasini quyidagi band bilan to'ldirish taklif qilingan:

"Sun'iy intellekt atrofidagi jarayonlarni va atrof-muhitni (vaziyatni), munosabatlarni idrok etish (tan olish, tahlil qilish va baholash) va modellashtirish, mustaqil ravishda qaror qabul qilish va amalga oshirish, o'z xatti-harakatlari va tajribasini tahlil qilish va tushunishdan iborat kognitiv dasturga ega sun'iy axborot-kommunikatsiya (elektron, virtual, elektron-mexanik, bioelektron-mexanik yoki gibridd) tizimidir".

25. Sun'iy intellekt ishtirokida yaratilgan yoki to'liq avtonom holatda ishlaydigan sun'iy intellekt tomonidan yaratilgan ixtironing patent va huquqiy himoyasi sohasidagi huquqiy yechimlar quyidagi modellar doirasida amalga oshirilishi asoslab berilgan:

- ixtironing patent va huquqiy muhofazasi umumiy tartibda va umumiy shartlarda, bunda patent-huquqiy muhofaza qilish muddati sezilarli darajada qisqartiriladi;

- ixtirolarning patent va huquqiy muhofazasini to'liq taqiqlash, bunday ixtirolarni jamoat mulkiga berish yoki ochiq litsenziya rejimini belgilash;

- ixtironi patent va huquqiy himoya qilish, bunday huquqlarni boshqarish vakolatlarini maxsus tashkil etilgan davlat fondiga o'tkazish.

26. O‘zbekiston Respublikasining “**Banklar va bank faoliyati to‘g‘risida**”gi qonuniga quyidagi yangi moddani kiritish taklif etilgan.

41¹-modda. Bank xizmatlari va operatsiyalarida sun‘iy intellektning qo‘llanishi

Xizmatlar va operatsiyalarning ayrim turlarini bank tomonidan uzluksiz asosda amalga oshirish uchun sun‘iy intellekt qo‘llanishiga yo‘l qo‘yiladi.

Bank xizmatlari va operatsiyalarining ayrim turlarini sun‘iy intellekt o‘ziga mustaqil qaror qabul qilish huquqini topshirishga faqat bu haqda mijozlarni ogohlantirgan holda yo‘l qo‘yiladi. Bu haqda bank tomonidan xizmatlar va operatsiyalarning ayrim turlarini sun‘iy intellekt tizimi tomonidan amalga oshirilishi shartnomada aks ettirilishi kerak.

Bank sun‘iy intellekt tizimiga topshirilgan xizmatlar va operatsiyalarning ayrim turlari bilan bog‘liq tavakkalchiliklar uchun javobgar bo‘ladi.

Xizmatlar va operatsiyalarning ayrim turlarini sun‘iy intellekt tizimiga topshirishda bank dastur talablariga, shu jumladan, uni qo‘llash vaqtidagi nosozliklar yoki topshirilgan xizmatlar va operatsiyalarning ayrim turlari yuzasidan axborot taqdim etish bo‘yicha talablariga javob berishi kerak.

27. O‘zbekiston Respublikasi “**Yo‘l harakati xavfsizligi to‘g‘risida**”gi qonunining 26-moddasini quyidagi band bilan to‘ldirish taklifi ilgari surilgan:

sun‘iy intellekt orqali yarim avtomat yoki to‘liq avtomatlashtirilgan boshqaruvi ostida yo‘l-transport vositalari tomonidan sodir bo‘lgan yo‘l-transport hodisasi oqibatida tan jarohati olgan, transport vositasi va yuk shikastlangan hollarda qonunchilikda belgilangan tartibda zararning o‘rni qoplanishi.

28. Vazirlar Mahkamasining 2010-yil 28-dekabrda 318-son qarori bilan tasdiqlangan “Davlat notariusi tomonidan o‘z kasb majburiyatlari buzilishi oqibatida yetkazilgan zararni qoplash tartibi to‘g‘risida”gi Nizomning 7-bandini quyidagi tahrirda bayon etish taklif qilingan.

7. Adliya boshqarmasi tomonidan qoplangan summa keyinchalik aksincha talab (regress) tartibida notariusdan undirib olinishi kerak, ***sun‘iy intellekt tizimi xatoligi tufayli zarar yetkazilishi holatlari bundan mustasno.***

29. Vazirlar Mahkamasining 1997-yil 6-iyundagi 286-son qarori bilan tasdiqlangan “Ishlab chiqarishdagi baxtsiz hodisalarni va xodimlar salomatligining mehnat vazifalarini bajarish bilan bog‘liq boshqa xil zararlanishini tekshirish va hisobga olish to‘g‘risida”gi Nizomning 2-bandini quyidagi tahrirda bayon etish taklif etilgan.

2. Korxonada va uning tashqarisida mehnat vazifalarini bajarayotganda (shuningdek, xizmat safarlarida) yuz bergan jarohatlanish, zaharlanish, issiqlik ta‘siri, portlash, falokatlar, imoratlar, inshootlar va konstruksiyalar buzilishi, kuyish, muzlash, qizish, elektr toki va yashin urishi, ***sun‘iy intellekt tizimlari***, hayvonlar, hasharotlar va sudralib yuruvchilar tomonidan, terroristik harakatlar natijasida shikastlanishlar, shuningdek, tabiiy ofatlar (zilzilalar, o‘pirilishlar, suv toshqinlari, to‘fonlar va boshqalar) tufayli salomatlikning boshqa xil shikastlanishlari;

Ushbu nizomning IV bobini 6¹-band bilan to‘ldirish taklif etilgan

6¹. Sun'iy intellekt tizimlari harakati oqibatida inson o'limi kelib chiqqan baxtsiz hodisa, sun'iy intellekt tizimini ishlab chiqargan dastur yaratuvchisi, ishlab chiqaruvchining vakillari ishtirokida ko'rib chiqiladi.

30. O'zbekiston Respublikasi Soliq kodeksi 378-moddasini quyidagi band bilan to'ldirish taklif etilgan.

19²) soliq to'lovchi tomonidan ijtimoiy sohada (tibbiyot, ta'lim, madaniyat, ijtimoiy xizmat va boshqa) sun'iy intellekt tizimini qo'llashdan olingan daromadlari.

31. O'zbekiston Respublikasi Bojxona kodeksi 297-moddasini quyidagi band bilan to'ldirish taklif etilgan.

Bojxona bojidan ozod etish tarzidagi tarif imtiyozlari quyidagilarga nisbatan beriladi:

13¹) ijtimoiy sohada (tibbiyot, ta'lim, madaniyat, ijtimoiy xizmat va boshqa) foydalaniladigan, O'zbekiston Respublikasida o'xshashi ishlab chiqarilmaydigan, tasdiqlangan ro'yxat bo'yicha O'zbekiston Respublikasi hududiga olib kiriladigan sun'iy intellekt texnologiyalariga.

III. Amaliy taklif va xulosalar:

32. SIDan yetkazilgan zararni hisoblashda, zararni hisoblash bilan bog'liq qiyinchiliklarni hisobga olgan holda va intellektual mulk huquqlari yoki shaxsiy hayot daxlsizligi huquqining o'ziga xosligini hisobga olgan holda, umumiy jihatdan, Discounted Cash Flow Method (DCF) usuli va Financial Indicative Running Royalty Model (FIRRM) kabi zararni hisoblashning iqtisodiy usullarini ko'rib chiqish lozim.

Bu usullar orqali, SI vositalari tomonidan intellektual mulk huquqi va shaxsiy ma'lumotdan qonunga xilof yoki noto'g'ri foydalanilganda, yetkazilgan zarar esa ko'zga ko'rinmaganligi bois uni hisoblash qiyin bo'lganida, ma'lum "qat'iy" (fiksatsiya qilingan) zarar summalari belgilanishi mumkin (misol uchun, shaxsiy hayot daxlsizligi buzilishi – 10 mln. sum, tibbiy yoki boshqa sir buzilishi – 15 mln. sum va h.k.). Kelajakda ushbu tartibni milliy qonunchilikka implementatsiya qilish va sud amaliyotida aynan SI bilan bog'liq zararlarni hisoblab chiqishda qo'llash taklif etiladi.

33. SI qo'llash sohalari sifatida quyidagilar taklif etiladi:

Avtomatlashtirilgan yuridik maslahat usullari, masalan, hujjatlarni avtomatik tahlil qilish. Ko'p sonli hujjatlar tahlili shifrlangan natijalarini elektron shaklda saqlash, masofaviy tahlil va maslahat amaliyotini joriy etish.

Nutqni aniqlash va tabiiy tilni tushunish tizimlari yuristga ham, fuqaroga ham sezilarli yordam berishi mumkin. Oddiy nutq tanishdan boshlab va uni yuridik axborot tizimlari bilan aloqa qilish, Call-markaz yoki ovozli yordamchi bilan bog'lash uchun yanada rivojlangan interface sifatini oshirish, ovozni matnga aylantirish, chet ellik fuqaroning murojaatini (hujjatini) avtomatik tarjima qilish, nutq sintezi kabi g'oyalar oldinda kutilmoqda.

Hujjatlarni tahlil qilish va ish bo'yicha yuridik yakunni bashorat qilish tizimlari ham to'liq hal qilinadigan SI vazifalari bo'lib, ular sezilarli yordam ko'rsatishi mumkin. Masalan, qonunchilikdagi o'zgarishlarni operativ kuzatib borish va tahlil qilish yuridik idoralarga murojaat qiladigan aholi soni va ehtiyojini tezda bashoratlash imkonini beradi.

Axborotni avtomatik tasniflash va qiyoslash tizimlari fuqaro haqidagi turli axborot tizimlarida turli shakllarda bo'lgan ma'lumotlarni bog'lashga yordam beradi. Masalan, ma'lumotlarning aniq, turli xil tafsilotlar bilan tasvirlangan yaxlit elektron shaklini yaratish mumkin bo'ladi. Marketing ma'lumotlarni tezda olish uchun ijtimoiy tarmoqlar, Internet portallari tarkibini mashinaviy tahlil qilish istiqbolli texnologiyadir.

Aholiga avtomatlashtirilgan maslahat chatbotlari fuqarolarni yuridik bilimlar bilan tanishtirishda va belgilangan huquq-tartibotga rioya qilishda katta yordam berishi mumkin. Chatbotlar allaqachon odatiy savollarga qanday javob berishni, oddiy vaziyatlarda yurish-turishni taklif qilishni, fuqaroni advokat bilan bog'lashni va hokazolarni amalga oshirishi mumkin.

34. Muallif tomonidan nizolarni SI vositasi yordamida hal etish mumkinligi tahlil etilganda quyidagi xulosalarga kelingan. Sud hokimiyati organlarida inson omili bilan bog'liq ish yuklamasi keskin kamayadi. Sun'iy intellekt sudga taraf bo'lib ishtirok etayotgan shaxslar hamda boshqa sud jarayoni ishtirokchilariga, shuningdek, sudyalarga ma'lumotlarni tartibga solishda yordam beradi hamda sud ishlarini ko'rib chiqish natijalarini topish va baholash uchun sifatli vositaga aylanadi. Da'vogarga sudga da'vo qilingan arizaning muvaffaqiyatli bo'lish ehtimolini taxmin qilish va shu asosda ishni sudga bermasdan hal etish imkonini beradi

**DIGITAL SCIENTIFIC COUNCIL No DSc.07/30.12. 2019.Yu.22.01
FOR AWARDING SCIENTIFIC DEGREES
AT TASHKENT STATE UNIVERSITY OF LAW**

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BOZAROV SARDOR SOKHIBJONOVICH

**LEGAL LIABILITY IN THE FRAMEWORK OF ARTIFICIAL
INTELLIGENCE**

12.00.03 – Civil law. Business law.
Family law. Private international law

**Doctoral (DSc) dissertation abstract
on legal sciences**

Tashkent-2023

The theme of the doctoral dissertation (DSc) was registered at the Supreme Attestation Commission under the Cabinet of Ministers of the Republic of Uzbekistan under number B2021.4.DSc/Yu181.

The dissertation has been prepared at Tashkent State University of Law.

The abstract of the dissertation is posted in three languages (Uzbek, English, Russian (resume)) on the website of the Scientific Council (<https://tsul.uz/uz/fan/avtoreferatlar>) and of "ZiyoNet" Information and Educational Portal (www.ziyounet.uz).

Scientific supervisor:

Gulyamov Said Saidaxrorovich,
Doctor of Science in Law, Professor

Official opponents:

Samarhodjaev Botir Bilyalovich,
Doctor of Science in Law, Professor

Aminjonova Matluba Ahmedovna,
Doctor of Science in Law, Associate professor

Hamroqulov Bahodir Mamasharivovich,
Doctor of Science in Law

Leading organization:

Customs Institute of State Customs Committee of the Republic of Uzbekistan

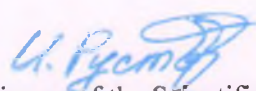
The defense of the dissertation will take place on March 16, 2023, at 10.00 at the meeting of the Scientific Council №. DSc.07/30.12.2019.Yu.22.01 at Tashkent State University of Law (Address: 100047, Tashkent city, Sayilgokh street 35. Phone: (99871) 233-66-36; Fax: (99871) 233-37-48; e-mail: info@tsul.uz).


The doctoral dissertation (DSc) is available at the Information Resource Center of Tashkent State University of Law (registered under № 1119). (Address: 100047, Tashkent city, Sayilgokh street, 35. Phone: (99871) 233-66-36.

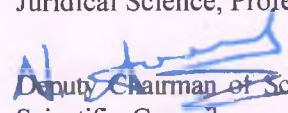
The abstract of the dissertation was distributed on February 28, 2023.

(Registration № 25 from February 28, 2023)




I.R. Rustambekov
Chairman of the Scientific Council on awarding scientific degrees, Doctor of Science in Law, Professor


D.Y. Khabibullayev
Acting secretary of the Scientific Council on awarding scientific degrees, Candidate of Juridical Science, Professor


N.F. Imomov
Deputy Chairman of Scientific seminar under the Scientific Council on awarding scientific degrees, Doctor of Science in Law, Professor

INTRODUCTION (abstract of the doctoral dissertation)

Relevance and necessity of the dissertation topic. Advancements in the field of Artificial Intelligence (hereinafter - AI) in the world, intellectual property rights in relation to AI and the legal nature of these products, in particular, the issues of legal responsibility, have already become a serious global issue. For instance, in 2015 and 2018, Tesla's AI-based autopilot caused car accidents that resulted in human deaths. Google Self-Driving Car had 11 accidents resulting in damage¹. Similarly, in 2015, the action of the AI manipulator robot caused the death of a worker at the Volkswagen automobile plant², robot nurses reminding patients to take their medicines fail to ensure that the medicines are actually taken, which may lead to the patient's death³. Due to the fact that the issues of legal responsibility in the field of AI cannot match the intensity of the technological revolution, which is advancing at a rapid pace, products in the field of AI and similar modern technologies (smart city, smart contract, digital economy, blockchain, etc.) the challenges and relations arising in production create the need for a complete revision of traditional legal norms and institutions.

It is considered a priority task to researching the phenomenon of AI in the world, its normative order, creation, development, programming, introduction, application of AI technologies and programs, smart learning systems, smart-contract and other similar AI products, their legal nature, specific aspects, legal liability issues, and also carry out scientific analysis regarding the legal status of AI, legal entity, legal perspective of the concept of an electronic person.

In recent years, well-planned measures have been implemented in our country to introduce artificial intelligence systems. In particular, in the "Development Strategy of New Uzbekistan for 2022-2026" specific tasks for the development of the "Strategy for the Development of Artificial Intelligence Technologies in 2023-2030" are defined for the successful implementation of artificial intelligence in our country, and they note the need to further accelerate digitalization processes in the republic. In addition, the Strategy of New Uzbekistan calls for the introduction of modern information, including the introduction of artificial intelligence technologies to combat corruption, the development of necessary mechanisms for the digitalization of the enforcement system and the introduction of artificial intelligence technologies indicates urgent need for scientific research based on the needs of gradual absorption of artificial intelligence systems to legal basis of judicial sphere.

To a certain extent, this research will definitely serve to implement the tasks defined in the Civil Code of the Republic of Uzbekistan, the Presidential Decree of the Republic of Uzbekistan No. PF-60, January 28, 2022 "On the Development Strategy of New Uzbekistan for 2022-2026", the Decree of the President of the Republic of Uzbekistan Decree No. PQ-4996 on February 17, 2021 "On measures to

¹Dan Moren, People Keep Crashing Into Google's Self Driving Cars (2015), <<http://www.popsoci.com/people-keep-crashing-googles-self-driving-cars>> accessed 13 June 2015.

² Robot Kills worker at Volkswagen plant in Germany // The Guardian. URL: <https://www.theguardian.com/world/2015/jul/02/robot-kills-worker-at-volkswagenplant-in-germany> (дата обращения: 10.05.2020).

provide conditions for the rapid introduction of artificial intelligence technologies”, the Presidential Decree No. PQ-5234 on August 26, 2021 “On measures to introduce a special regime for the use of artificial intelligence technologies”, the Decree No. PF-6198 on April 1, 2021 “On improving the state management system for the development of scientific and innovative activities”, the October 29, 2020 Decree No. PF-6097 “On approving the concept of the development of science until 2030”, the July 6, 2022 Decree No. PF-165 “On the development of the Republic of Uzbekistan in 2022-2026, the October 5, 2020 Decree No. PF-6079 “On Approval and measures of effective realization of the Innovative Development Strategy named “Digital Uzbekistan-2030”” and other normative legal documents related to the field.

Compliance of the research with the main priorities of the advancement of local science and technology. The research of the dissertation has been carried out according to “Formation of a system of innovative ideas and ways of their implementation in the social, legal, economic, cultural, spiritual and educational development of an informed society and a democratic state”, the priority direction of the development of republican science and technology.

Review of foreign scientific research on the topic of the dissertation. Scientific research on the issues of responsibility in the framework of artificial intelligence is carried out in the world's leading scientific centers and higher education institutions, including the United States: Stanford University, Yale University, Harvard University, University of California, University of Connecticut, Hunter College, University of Maryland, Boston College, The University of Chicago, Columbia Business School, Johns Hopkins University. United Kingdom: University of Oxford, Cambridge University. European Union: Tilburg University, Katholieke Universiteit Leuven, The University of Edinburgh, Goethe University, The University of Zurich (Switzerland). Russian Federation: Moscow State University named after Lomonosov, Moscow State Law University named after Kutafin, Tomsk State University, Russian Academy of Economics named after G.V. Plekhanov and conducted in higher education and other research institutions.

As a result of foreign scientific researches on the issues of responsibility within the framework of artificial intelligence in the world, the following scholastic results have been achieved, including: heuristic and cognitive approaches to the concept of artificial intelligence have been justified, the legal foundations of AI have further been improved (Stanford university, University of Yale, University of California, Davis, University of Connecticut, Hunter College, University of Maryland), in order to ensure human rights, the conceptual basis for further expansion of the fields in which AI is applied, including attracting grants to the scientific field of AI at the expense of financial resources of international organizations (University of Oxford, Cambridge University), scientific and theoretical foundations of AI's legal responsibility have been explored from the perspective of fundamental doctrine (Boston College), it is proposed to determine the evolution of AI's development through modern bibliometric analysis and the state of current usage of AI, and to take necessary measures to organize the activities of advanced commercial companies to further improve the use of AI (Tilburg University, Netherlands; University of Murcia (Spain), Chang'an University (China)), in the way of organizing effective AI systems, it is

proposed to introduce AI's responsibility on the basis of weak and strong AI, which is the experience of advanced foreign countries (Moscow State University named after Lomonosov); the basics of introducing AI mechanisms into the public service system to facilitate the lives of citizens have been developed (Russian Academy of Sciences).

In the world, scientific research works are being conducted in the following key directions with the aim of determining the legal problems of AI and offering their solutions: facilitating AI system by establishing non-state and private funds, introducing AI systems with multi-level responsibility (solidary, subsidiary), using AI information bases to strengthen social protection of citizens; improving the legal basis of AI's application, determining liability for the damage caused by using AI, providing further improvement of the legal basis of applying AI in various fields, implementing international AI standards into national legislation and others.

The degree of the problem study. Some aspects of this topic have been studied, to a certain extent, in the scientific works. Of H.R. Rahmonkulov, S.S. Gulyamov, O. Okyulov, I. R. Rustambekov, N. Imomov, A. Saidov, D. Yu. Khabibullaev, O. Kholmiraev, O. Pirmatov and others.

Foreign researchers of this topic are Alex M. Andrew, George F. Luger, Daniel Castro and Joshua New, Joost N. Kok, Egbert J. W. Boers, Walter A. Kusters, Peter van der Putten, Robert S. Engelmores, Nils J. Nilsson, Michael Guihot, Anne F. Matthew, Nicolas Suzor, Raymond Kurzweil, Elaine Rich, Kevin Knight, Shivashankar V. Nair, Richard Bellman, James R. Slagle, Stuart J. Russell, Peter Norvig, Edwina L. Rissland, Kevin D. Ashley, Ronald Researchers such as Prescott Lowy, Avneet Pannu, Ronal Chandra, Yoga Prihastomo, Andrew Haskins, Surabhi Arora, Uttara Nilawar, Pei Wang, Earl B. Hunt, Patrick Henry Winston, Nick Bostrom, Irving John Good.

However, in our country, no separate monographic studies have so far been conducted on the legal issues of the use and legal responsibility of artificial intelligence in various fields.

The connection of the dissertation topic with the research plans of the higher education institution where the dissertation was completed.

The research was carried out within the framework of "Formation of Cyber Law in the Republic of Uzbekistan", in the priority areas of scientific research of Tashkent State University of Law.

The purpose of the research is to comprehensively analyze the legal essence and nature of the concept of artificial intelligence, the legal forms of its utilization in various fields and the issues of responsibility, to develop proposals and recommendations aimed at developing the theory of the field and improving its practice.

Tasks of the research:

the analysis of the evolution and prospects of the development of artificial intelligence, and existing conceptual approaches to define the concept of AI;

researching the theoretical and legal conditions of the need for legal regulation of artificial intelligence, comparative legal analysis of doctrinal and legislative approaches to determine the legal status of artificial intelligence;

analysis of problematic aspects of the legal subject of artificial intelligence, and existing approaches to the concept of "electronic person";

exploration of the legal nature of artificial intelligence liability;

analysis the model of direct responsibility of the artificial intelligence system for its actions (or inaction);

analysis of the indirect liability of artificial intelligence systems used in various fields;

development of proposals and recommendations on the legal regulation of social relations related to the production and use of artificial intelligence;

development of separate documents (code of ethics, separate law and concept of artificial intelligence development) on improvement of the legal basis of regulating the sphere of artificial intelligence.

The object of the study is the system of socio-legal relations related to the use of AI in various spheres of social life, and civil-legal responsibility for the consequences arising from its activity.

The subject of the research includes the idea of practice and application of normative legal documents on the regulation of organizational and legal issues of providing assistance of AI to the state, society, citizens and other subjects, and experiences within the legislation and the practice of some foreign countries, international standards on the organization of AI activities, and similarly, scientific-theoretical views related to the topic that is under study conceptual approaches and ideas.

Research methods. The research involves the methods such as logical, historical, comparative-legal, specific sociological, complex research of scientific sources, analysis of statistical data, interpretation of legal documents, and the study of the practice of law application.

The scientific novelty of the research is as follows:

the notion of the legal term for supporting artificial intelligence technologies as a special regime aimed at creating the necessary organizational and legal conditions for legal entities and scientific organizations operating in accordance with the implementation of experimental and testing work based on artificial intelligence technologies, granting privileges in legal relations, arising in the process of testing and implementing software is substantiated;

in order to support artificial intelligence technologies, the recognition of a legal entity, including a scientific organization duly registered and included in the unified register of special regime participants managed by the working body of the special regime, as a participant in the special regime is justified;

the applicants for obtaining the status of a participant in a special regime are legal entities, including scientific organizations that have applied for the status of a participant in this special regime are justified;

the grounds for depriving the status of an organization participating in a special regime to support artificial intelligence technologies are the subsequent identification in the information and documents submitted for obtaining the status of a participant in a special regime, justified shortcomings in relation to their completeness, objectivity and reliability, inconsistency of the activities of a participant in a special

regime with the types of activities specified within the framework of the project, as well as non-fulfillment by the participant of the special regime of obligations specified in the agreement on the conditions of activity concluded with the working body is substantiated;

the identification system is based on the fact that it is a source of official information for the identification of individuals and legal entities, while the information obtained through system is the basis for remote identification (authentication) of persons using the services of state bodies, banks, financial institutions, etc. is substantiated;

the concept of a special legal regime aimed at creating the necessary organizational and legal conditions, facilitating legal relations arising in the process of experimenting and introducing software products into the practice of legal entities and scientific organizations engaged in activities related to conducting experimental work on the use of artificial intelligence technologies, development of software products and provision of services is substantiated.

The practical results of the research are as follows:

an author's definition was developed based on the analysis of existing conceptual approaches to the concept of artificial intelligence;

the need to include provisions on the determination of legal responsibility in social relations with the participation of artificial intelligence within the Civil Code has been justified;

theoretical and methodological views on models of responsibility, in cases of damage to the environment, human, society and state interests caused by its participation in the fields where artificial intelligence is used, have been formed;

the legal nature of artificial intelligence was analyzed and the author's approach was developed on the basis of scientific and theoretical views on the legal entity of artificial intelligence;

the models of direct and indirect responsibility of the artificial intelligence system for its actions (or inaction) were analyzed, and recommendations were developed regarding the regulation of the responsibility of artificial intelligence that is used in various fields;

special documents (code of ethics, special law and concept of development of artificial intelligence) were developed in connection with the improvement of the legal basis of the regulation of artificial intelligence.

The reliability of the research results lies in the fact that the practical and theoretical information in the field of artificial intelligence is obtained from official sources, the best practices of advanced foreign countries (USA, Great Britain, Japan, Canada, etc.) on the introduction of liability mechanisms of artificial intelligence have been studied, and the survey of the experts who work directly in this field and the questionnaires of the respondents were analyzed, the research results were published in national and foreign scientific publications, the proposals and recommendations were approved and confirmed by the relevant authorities and put into practice.

Scientific and practical significance of research results. The scientific significance of the research is that the rules developed as a result of this research will serve for the development of the theory of "Information Technology Law", "Artificial

Intelligence and Law”, “Cyber Law”, “International Private Law”, “International Commercial Law” and “Business Law”.

In the future, the conclusions developed during scientific research can be to carry out scientific research, for conducting classes on the “Information Technology Law”, “Artificial Intelligence and Law”, “Cyber Law”, “Private International Law”, “International Commercial Law” and “Business Law” modules at higher educational institutions, legal technical schools, and for preparing educational and teaching-methodical manuals. Alongside, the research work serves to solve the problems related to the organization of AI practical activities in the process of digitization.

The practical importance of the research is expressed in the development of a number of rules and practical recommendations aimed at improving the legal mechanism of involvement AI in various spheres of life. The results of the research can be used to enhance legislation and practice related to the use of AI in the domain of medicine, ecology, urban planning, agriculture, advocacy, court and other spheres, and in the practice of preparing documents of the Government of the Republic of Uzbekistan in this direction.

Implementation of research results. The scientific results of the research were employed in the following:

a proposal that a special regime for supporting artificial intelligence technologies is understood as a special legal regime aimed at creating the necessary organizational and legal conditions for legal entities and scientific organizations that carry out activities within its framework related to conduct experimental work based on technologies of artificial intelligence, the development of software products and the provision of services, the provision of privileges in legal relations arising in the process of testing and putting into practice software products, was taken into account when developing paragraph 3 of the Regulation on the organization of a special regime for supporting artificial intelligence technologies and the procedure for its activities, approved by the Decree of the Cabinet of Ministers of the Republic of Uzbekistan on November 29, 2021 No. 717 (certificate of the Department of Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan dated September 16, 2022 No. 12/21-66). The implementation of this proposal served to establish the legal status of a special regime for supporting artificial intelligence technologies in the legislation;

the proposal, in order to support artificial intelligence technologies, to recognize a legal entity, including a scientific organization, registered in the prescribed manner and included in the unified register of participants in the special regime managed by the working body of the special regime as a participant in the special regime, was taken into account when developing paragraph 3 of the Regulation on the organization of a special regime for supporting artificial intelligence technologies and the procedure for its activities, approved by the Decree of the Cabinet of Ministers of the Republic of Uzbekistan on November 29, 2021 No. 717 (certificate of the Department of Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan dated September 16, 2022 No. 12 / 21-66). The implementation of this proposal served to consolidate in the legislation the concept of participants in a special regime for supporting artificial intelligence technologies and their legal status;

the proposal that applicants for the status of a participant in a special regime are legal entities, including scientific organizations that have applied for the status of a participant in this special regime, was taken into account when developing paragraph 3 of the Regulation on the organization of a special regime for supporting artificial intelligence technologies and the procedure for its activities, approved by the Decree of the Cabinet of Ministers of the Republic of Uzbekistan on November 29, 2021 No. 717 (certificate of the Department of Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan dated September 16, 2022 No. 12 / 21-66). The implementation of this proposal served to establish the concept and legal status of applicants for participation in a special regime for supporting artificial intelligence technologies;

the proposal that the basis for depriving the status of an organization participating in a special regime for supporting artificial intelligence technologies is the subsequent identification in the information and documents submitted for obtaining the status of a participant in a special regime, justified shortcomings in relation to their completeness, objectivity and reliability, inconsistency of the activities of a participant in a special regime the types of activities specified within the framework of the project, as well as the failure by the participant of the special regime of obligations specified in the agreement on the conditions of activity concluded with the working body, was taken into account when developing paragraph 23 of the Regulation on the organization of a special regime for supporting artificial intelligence technologies and the procedure for its activities, approved by the Decree of the Cabinet of Ministers of the Republic of Uzbekistan on November 29, 2021 No. 717 (certificate of the Department of Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan dated September 16, 2022 No. 12 / 21-66). The implementation of this proposal served to establish the grounds for depriving the organization participating in the special regime of the status of a participant in the special regime;

the proposal that the identification system is based on the fact that the source of official information for the identification of individuals and legal entities, while the information received through this system is the basis for remote identification (authentication) of persons using the services of state bodies, banks, financial, etc., was used in the development of paragraph 3 of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on October 30, 2020 No. 679 “On measures to further develop the identification system when providing electronic public services to the population” (certificate of the Legal Support Department of the Cabinet of Ministers of the Republic of Uzbekistan dated September 16, 2022 No. 12/21 -66). The implementation of this proposal served to improve the legal framework for the identification of individuals and legal entities;

a proposal on the concept of a special legal regime aimed at creating the necessary organizational and legal conditions, facilitating legal relations arising in the process of experimenting and introducing software products into the practice of legal entities and scientific organizations engaged in activities related to conducting experimental work on the use of artificial intelligence technologies , the development of software products and the provision of services, was used in the development of

subparagraph “a” of paragraph 2 of the Decree of the President of the Republic of Uzbekistan dated August 26, 2021 No. PD-5234 “On measures to introduce a special regime for the use of artificial intelligence technologies” (certificate of the Legal Support Department of the Cabinet of Ministers of the Republic of Uzbekistan dated September 16, 2022 No. 12/21-66). The implementation of this proposal served to establish in the legislation a scientifically based concept of a special regime for the use of artificial intelligence technologies.

Approval of research results. The results of the research were discussed at five scientific-practical conferences, 3 of which are international and 2 are national.

Publication of research results. A total of 21 scientific works, including 1 monograph, 15 scientific magazine articles, and abstracts of 5 scientific-practical conferences (international and national) were published on the subject of the dissertation.

The structure and scope of the dissertation. The dissertation consists of an introduction, four chapters, eleven paragraphs, a conclusion, a list of references and an appendix. The volume of the dissertation is 242 pages.

THE MAIN CONTENT OF THE DISSERTATION

In the introductory part of the dissertation elucidates the relevance and necessity of the research topic and the reliance with the major principles of the development of science and technology in the Republic of Uzbekistan, review of foreign scientific research on the topic of the dissertation, research degree of the problem, the relatedness of the dissertation topic with the research plans of the higher educational institution where the work is being carried out, goals and objectives of the research, object and subject, methods, scientific novelty and practical result of research, reliability of the research results, scientific and practical significance of research results and their implementation, approval and publication of research results, structure and volume of the work.

The first chapter of the dissertation entitled “**General theoretical issues and conceptual approaches of legal responsibility in the framework of artificial intelligence**” encompasses the evolution and prospects of the development of AI, conceptual approaches in defining the concept of artificial intelligence (AI), theoretical and legal terms of liability and necessity for legal regulation of AI were analyzed.

According to scholars who have done research on the creation of AI and its historical development, AI has gone through stages namely the golden age of AI, the first winter of AI, the second winter of AI and new era of AI.

Based on the researcher’s analysis of the historical development trends of AI and the fact that current AI is an integral part of the world community and is rapidly entering all areas of human life, the evolution of AI is conditionally divided into the following periods:

1) **The preliminary period of the creation of artificial intelligence.** According to the researcher’s opinion, this period includes several stages. The first stage includes the period between 1950 and 1975. In this period, AI has developed in two main

directions like mathematical logic and neural networks. During this period, computers were developed to store more information and operate faster. Government agencies such as the US Defense Advanced Research Projects Agency (DARPA) have focused on funding AI research. In this, the main emphasis was on decoding and translating spoken language, as well as the interest in machines with high processing capabilities has been increased.

However, in the second phase, that is, between 1975 and 1980, the study and research of neural networks in the field of AI stopped. Neural networks have been harshly criticized by scientists. One of the main objections was that in the process of studying the computational capabilities of AI, it was concluded that AI cannot yet perform the simplest logical function. As a result, projects initiated by the US and Japanese governments (a fully autonomous vehicle and a fifth-generation supercomputer) were closed. Many projects related to automatic translators and word processing systems have been rejected and doomed to failure.

In the third stage 1980-1984, the development of expert systems renewed the interest in AI. In other words, in the 1980s, AI was first used for commercial purposes, expert systems in medicine, law, and other fields turned out to be a success.

The fourth stage of the initial period of creation of AI was from 1984 to 1990. During this period, the development of AI slowed down significantly. The main reason for this was rapid development of personal computers, a new direction of development - computer science - has appeared. Many scientists and practitioners in the field of AI have begun to work in this new field.

2) **The development of artificial intelligence.** This period includes the period from 1990 to 2050. During this period, most of the important results, in the field of AI are expected to be achieved. The reason for this is that the limitation of computer memory, which was a significant obstacle to the development of science 30-40 years ago has been eliminated, because humanity is currently living in the era of (**Big data**), that is, in the era of collecting large amounts of data that are impossible for humans to process. By 2050, AI will completely penetrate all spheres of society like light and heavy industry, economy, education, agriculture, medicine, pharmaceuticals, electronic government, law and other spheres. In other words, AI will become an inevitable assistant of a person.

3) **The era of advanced artificial intelligence.** According to the researcher's scientific prognosis, this period includes the period after 2050. After 2050, Super AI will be created in developed countries. During this period, the thinking ability of AI increases several times compared to the human thinking ability. As a result, the most advanced models of AI will be created. In other words, a super AI (electronic personality) will be created in this period, which will be able to acquire legal status and it is predicted that AI will be able to act as equal subjects of society.

According to the author, AI is entering all spheres of society and becoming an integral part of human life. Moreover, the emergence of new relations related to AI and its rapid development require further improvement of the legal framework of the area. In particular, issues related to liability for damage caused by the use of AI are still unsolved

The liability of AI is also related to its legal status. In other words, the opinion about rapid development of AI will change its legal status as well as the scope of legal liability subjects in the field of AI is justified by the author. Accordingly, from the point of view of the gradual development of AI in the Republic of Uzbekistan, it is considered appropriate to pass the following stages in the determination and distribution of liability in the following way:

1) *Artificial intelligence (it encircles the years from 2010 to 2030)*. Here, AI is simple and limited only to the performance of specific tasks, it does not have its own opinion, can not learn independently, develop its own abilities, analyzes information from the environment, and doesn't have the level of independent decision-making.

In cases of damages caused by AI, only people are liable, such as users, producers and programmers (creators), their subsidiary or joint liability may be established in the legislation (for example, when the people incorrectly presses the robot manipulator button and cause damage, it is necessary to determine main reason such as design defect, a manufacturing defect, or a human factor).

2) *Advanced artificial intelligence (it encircles the period from 2030 to 2060)*. These are the Tesla car with full autopilot, the Uber driverless taxi service, the Yandex maps service, the traffic light management AI system in the Smart City and the AI systems that can independently perform surgical operations under the supervision of a surgeon. In this case, a person (users, producers and programmers (creators) are liable for the damage caused by AI. At the same time, in the legislation AI is recognized as a source of excessive risk, and it is justified that the responsibility for its actions may arise even if the guilt is absent (Article 999 of the Civil Code of the Republic of Uzbekistan).

3) *Super artificial intelligence (this period encompasses the years after 2060 and beyond)*. In this period, AI systems with a full-fledged legal capacity and transactional capacity as well as delict liability capacity are created. In this case, people (users, producers and programmers (creator) do not hold the responsibility, but AI bears the liability. In addition, the objective connection between action and consequence is taken into the account, but not guilt.

In this regard, forming a strategy or concept of legal regulation of AI, in which:

Determining the legal status of the AI and the possibility of liability;

Propose directions for the development of AI in national law;

Study of legal issues related to the use of already existing types of autonomous intelligent systems, including transportation, communication, security, etc.;

Formation of prospects for the creation of doctrines and legal norms related to the development, control and deployment of AI autonomous intelligent systems, the legislature used in the use of such systems, as well as the formation of connections between new mechanisms of legal support for AI;

It is appropriate to define the limits and acceptability of applying the modern law on legal liability to manufacturers of AI systems, their operators and other persons.

The second chapter of the dissertation is entitled as “**Problems of subjectivity of legal responsibility within the framework of artificial intelligence**”. This chapter analyzes doctrinal and legislative approaches determining the legal status of

AI, problematic aspects of legal subjectivity of AI, the concept of “electronic person”, existing approaches reviewing legal personality of AI.

Analyzing the opinions of various scientists and experts, the researcher concluded that nowadays it is becoming increasingly difficult to distinguish data processed by a computer from human data processing, and the increasing similarity between man and machine states that eventually computers will have the status of “person”.

The researcher divides the existing doctrinal approaches to determining the legal status of AI into the following conceptual ideas:

The concept of recognition of AI as an object of law, a thing.

This position is based on the opinion that intellectual systems do not have the basic characteristics of a legal personality, such as consciousness, emotions, conscience and other aspects of a human being.

The concept of recognition of AI as a legal entity. Science presents a position that takes into account certain doctrinal and legal provisions, according to which it is theoretically permissible to adapt the characteristics of a legal entity to robots. The basis of such approach reliance not only on the theory of legal entity, but also on the general legal construction of “person” as an artificial concept that is specially created in the current legal system.

The concept of an electronic person. AI systems have different legal names: like “robot”, “electronic person”, “artificial person” and others. Today, in the scientific literature, an independent term is proposed that defines AI as a legal entity - an electronic person, in which the word is not about bioethical or philosophical ideas and views, but about the naming of a simple legal construction.

The robot is a quasi-subject concept of law. In the scientific literature, the term “quasi-subject” of law is widely used, which means a subject of law that does not have full-fledged legal subjectivity. Some authors classify various public-legal structures, that operates in legal relations in the form of state or local bodies, as quasi-subjects. However, even for quasi-subjects of law, there is a will quality to the subjectivity of law that is not unique to AI.

Based on the above conceptual approaches, the researcher comes to the conclusion that the rights, freedoms and duties of AI should be different from human rights, freedoms and duties.

First, the rights and freedoms of AI cannot be natural, they are always provided by the individual and derive from human rights and freedoms.

Second, granting rights and liberties to AI seems appropriate only for its highly developed variety, but not for machines with elements of such intelligence that are currently being created and still depend on direct human commands. Therefore, the question of rights and freedoms of AI is not yet vital, it is a issue of the technological future.

Third, it is recommended to provide advanced AI with only a limited number of personal rights and freedoms (e.g., the right to be free, the right to self-improvement, the right to privacy and protection from abuse, freedom of speech, freedom of creation, authorship right and limited property rights).

Within this chapter, doctrinal approaches to the extent of the legal status of AI and its nature are analyzed, the forms of legal capacity of intellectual systems in the legal literature, more precisely, a set of approximate intermediate options of legal personality including “object with a special legal status”, “participant of legal relations”, “quasi-subject” were studied as a cases of interpretation, the creation of some hybrid forms of legal entities combining the features and functions of legal personalities have been noted. At the same time, based on the existing views, opinions and ideas in the science, the researcher comes to the conclusion that the inclusion of AI in the composition of legal personality will take some time and will happen as an inevitable phenomenon of the future.

In the third chapter of the dissertation, entitled “**Problems of legal liability of artificial intelligence**”, the legal nature of liability of AI, the model of direct responsibility of the AI system for its actions (or inaction) and the issues of indirect liability of AI systems using in various fields have been studied.

According to the researcher’ opinion, the social relations that exist at the stage of technical development change the legal structure of the social interaction of natural (human) and AI, primarily to describe the new economic order of the digital society. seeks to change centuries-old legislation by introducing terms, categories and definitions.

The researcher indicates, a number of authors argue that it is still too early to discuss the issue of granting AI the status of a legal personality. At the same time, although most scientists admit that there is no need to give legal status to the subject of AI, they emphasize that in the future, the question of giving legal status to intelligent machines will inevitably arise.

At the moment, according to the author’s opinion, giving AI the legal status of an electronic person is not a recognition of its autonomy and independence, exemption of natural and legal persons (that is, its user, producer, creator) from responsibility for its actions, but AI responsibility should be aimed to regulate and solve the problems of fully distinguishing the responsibility of the AI and the people behind it.

Based on foreign analysis in the research work, the need for amending Article 999 of the Civil Code, to recognize AI systems as a source of excess risk, as well as to consider the potential risk of all newly created and introduced AI technologies, in our opinion, and the importance of administrative procedure of examining the implemented technologies which are intended for a wide range of users.

The researcher puts forward the idea of adopting a codified regulatory legal document to define the mechanisms of the regulation of legal responsibility of AI, the legal status and content of AI subjects, legal facts and legal responsibility, and dividing this regulatory document into three stages: the near future, medium perspective and long-term perspective for the development of robotics, AI and the legislation defining the legal entity and legal responsibility of AI.

The researcher divides the existing doctrinal approaches to determine the legal status of AI into the following conceptual ideas:

The thesis researches several approaches to delict civil liability in foreign law. The first model, “Perpetration-by-Another”, does not recognize AI as the subject of

a crime and does not require it to have a combination of men's reus and actus reus at the same time.

The second model, "*The Natural-Probable-Consequence Liability*", does not imply either men's reus or actus reus of the developer (user). This occurs when the normal actions of an AI system can be misused to commit a crime.

The third model, "*The Direct Liability*", has a completely different character. It considers AI as an independent legal entity that can later be subject to civil liability. Model directly defines the responsibility of AI, the programmer (user) doesn't bear the responsibility for the actions of the AI.

This chapter also proposes to supplement the first part of the Civil Code with a new article 1004¹ "*Liability for the actions of a Robot Agent*".

In the fourth chapter of the dissertation, entitled "**Problems of improving the legal framework for the use of artificial intelligence**", the legal regulation of social relations related to the production and use of AI, the foreign experience of legal regulation of social relations related to the production and use of AI (comparative analysis), prospects for improving the legal basis of regulation of the use of AI and the development of Code of ethics, Act of AI and the Concept of AI development are proposed.

As the author mentions, the basis of the regulation of AI in Uzbekistan is defined by the Decree of the President of the Republic of Uzbekistan dated February 17, 2021 "On measures to create conditions for the rapid introduction of AI technologies" PQ-4996. This decision was adopted in accordance with the strategy of "Digital Uzbekistan-2030" and in order to create favorable conditions for the rapid introduction of AI technologies and their wide use in our country, to ensure the high quality of digital data, and to train qualified personnel.

Besides, the Decree No. PQ-5234 of August 26, 2021 "On measures to introduce a special regime for the use of AI" provides the introduction of a special regime for the use of AI technologies for the first time within the framework of experimental and innovative research.

As the researcher mentions, in recent years, as a result of the measures to implement digitalization and advanced technologies in various fields, Uzbekistan has created a unique capacity base in the field of ICT and AI.

As a clear example of this, in the direction of AI and modern information technologies, it is planned to implement the projects "Smart School" in the schools of Fergana city, "Monterra" online platform for assessing the condition of cultivated fields in Andijan region, "Smart City" in Nurafshon in Tashkent region, "Safe City" and "Digital Tashkent" in the Tashkent city. At the same time, as the use of AI in practice are increasing unsystematically in various fields, the legal regulation of the use of these technologies, in particular, the issues of determining responsibility for its negative consequences, is lagging behind.

In this regard, the author has analyzed the experience of various foreign countries, almost all advanced foreign countries have adopted national strategic documents in the field of AI, which include, among other matters, sustainable investment in research and development, reducing barriers to the use of AI technologies, ensuring the minimization of vulnerability to malicious attacks, national

economic and national security the implementation of the plan of measures for the protection of interests is recorded. In particular, a comparative analysis of the US experience shows that the development of AI technologies in various fields is actively being carried out in this country, in other words, the development of AI has been declared a national technological priority. In addition, AI is seen as essential for the US to outpace its competitors and maintain America's economic and technological superiority.

The researcher indicates that by the beginning of 2023, National strategies for the development of AI have been adopted in more than 40 countries of the world. These include the USA, China, Japan, South Korea, Great Britain, Canada, Singapore, the United Arab Emirates, the European Community, the Russian Federation and other countries. From this point of view, based on the significance of strategic development of AI technologies the proposal on development of Conception of AI was put forward by the author.

As the author mentions, according to the forecasts of the long-term socio-economic development of Uzbekistan, if competitive AI technologies are not sufficiently developed and used, the implementation of the priority directions of the country's scientific and technological development will slow down, which will subsequently slow down and causes the country to lag behind other countries economically and technologically. The researcher strongly emphasizes that today, the manufacturers, designers, AI technologies all over the world, have begun to adopt ethical guidelines in the field of AI which is based on the laws of robotics developed by Isaac Asimov.

For example, the first clear ethical standard in the field of robotics – “Guidelines for the Ethical Design and Use of Robots and Robotic Systems” - was adopted in Great Britain in 2016. Also, in Europe, the EU Ethics Directive prioritizes the goal of creating reliable and safe AI. Currently, similar ethical initiatives are being developed in the US, Canada, China and other countries. In conclusion, based on foreign experience, the proposals on the development of “National concept of the development of AI”, the adoption of a separate law “AI system” in the Republic of Uzbekistan based on the law robot concept, and the development of “Code of ethics of AI” have been justified by the author.

CONCLUSION

As a result of the research work on the topic of responsibility in the framework of Artificial Intelligence in the Republic of Uzbekistan, the following scientific and theoretical conclusions and practical suggestions and recommendations were formed:

I. Scientific-theoretical proposals and conclusions:

1. The researcher indicates that the subject matter of the legal relationship must primarily be a person with free will, asset, and the relevant rights and legal capacity. These qualities can be obtained by common status (human being, natural person, citizen) or legal status (legal entity, state). Although artificial intelligence has certain aspects of free will, it is not considered as an asset, to be elaborate, it does not have any sense of asset at all. Therefore, from the perspective of legal subjectivity, it is

appropriate to describe artificial intelligence as a “representative” who/which exercises the will of the owner and performs the activities with the consent and permission. Because the activity of artificial intelligence is started directly by the operator (owner) and terminated by his/her desire. The rights and obligations arising as a result of the legal relationship involving artificial intelligence belong to its proprietor (owner).

2. The author mentions the problem of determining the subject matter of legal responsibility caused by the operation of artificial intelligence is one of the crucial topics of current time. Because in the modern days, artificial intelligence is widely implemented in all spheres of social and economic life, from driving cars to providing household services. *It is thought that, artificial intelligence cannot be liable for its actions, that's why, the owner should take liability for it, if the damage is caused by a defect of artificial intelligence, so the manufacturer might be liable. However, the subject of liability can be determined based on the legal status of the third party - the victim (a consumer).*

3. As the researcher mentions that based on the current level of development of legislature and civil doctrine, it is also important to determine the subjectivity of legal liability for the behavior of artificial intelligence. After all, its owner is considered liable for the activity of any matter that may be beyond the direct control of a person. In this regard, artificial intelligence should be under the control of its owner when it interacts with third parties or directly interacts with the external world, and in the event of any unexpected failure, decision-making or action should be carried out by the owner (human being).

4. The author indicates that today's level of development and perspective of the virtual world provided the grounds for such terms as “virtual entity”, “virtual enterprise”, and “electronic person”. All these terms have different meanings. For example, a “virtual entity” can be understood as a person registered in cyberspace. “Electronic person” is considered by experts as artificial intelligence. Because artificial intelligence enters into legal relations with third parties in the virtual world, and the rights and obligations arising as a result of this applies to the electronic person. In this situation, if there are funds in the account (bank account) of the electronic person, these funds can be used to fulfill the obligation or cover the liability, which fully corresponds to the basic requirements of legal subjectivity in the doctrine of civil law.

5. The researcher believes that it is common knowledge that artificial intelligence does not possess the human mind. Artificial intelligence has programmed intelligence. But intelligence cannot be at the level of consciousness. Human intelligence can produce unexpected and unmeasurable results, while artificial intelligence produces predictable and programmed results. Therefore, the legal liability of artificial intelligence is also related to its status as a technical tool. *However, no one can predict the level of intelligence in artificial intelligence in the future. In the future, it is required to give a special status to artificial intelligence and determine the legal bases of aspects such as its legal status, legal capacity, transaction or delict capacity.*

6. Based on the analysis of the “theory of fiction” applicable to legal entities in civil law and the application of quasi-subjectivity to artificial intelligence, the following conclusion can be reached by the author: the free will valid in the “theory of fiction” does not belong to a legal entity, but to natural persons who are its founders or managers not specific to artificial intelligence. In order for a particular program or technical tool to be considered as artificial intelligence, it must have a decision-making function. This is why the “fictional theory” is not compatible with artificial intelligence. Quasi-subjectivity is equal to the legal nature of artificial intelligence in terms of legal liability.

7. Following definition of authorship are proposed:

Artificial intelligence is a cognitive system consisting of perception (recognition, analysis and evaluation) and modeling of surrounding processes and environment (situation), relationships, independent decision-making, and a system of an artificial information-communication (electronic, virtual, electronic-mechanical, bioelectronic-mechanical or hybrid) that has a capability of implementing, analyzing and understanding of one’s own behavior and experience.

8. The development of the legal basis for the existence of AI can be conditionally divided into two approaches:

- creation of legal foundations for introduction of practical systems with artificial intelligence and stimulation of their development;

- regulation of the field of creation of artificial “superintelligence”, in particular, compliance of developed technologies with generally accepted standards in the field of ethics and law.

9. Based on author’s opinion, from the point of view of the evolution of AI in the Republic of Uzbekistan, it is necessary to go through the following stages in determining legal responsibility and distribute responsibility accordingly:

1) **Artificial intelligence (it encircles the years from 2010 to 2030).** Here AI is simple, limited only to the performance of specific tasks, does not have its own opinion, does not reach the level of independent learning, development of abilities, analysis of information received from the environment, and independent decision making.

In cases of damage involving this AI, only people are responsible, including the user, producer and programmer (creator), the legislation may specify that their liability is solidary or subsidiary (for example, when the robot presses the manipulator button incorrectly, what caused it , structural defect, manufacturing defect or human factor must be identified)

2) **Advanced artificial intelligence (it encircles the period from 2030 to 2060).** Examples of this are the Tesla car with almost full autopilot, the Uber driverless taxi service, the Yandex card service, the traffic light management AI system in the Smart City system, and the AI systems that can perform medical operations independently under the supervision of a doctor.

In cases of damage involving this AI, people are also responsible, including users, producers and programmers (creators). At the same time, these AIs are recognized as a source of excessive danger in the legislation, and responsibility for their actions may arise even when they are innocent (Article 999 of the Civil Code)

3) Super artificial intelligence (this period encompasses the years after 2060 and beyond). AI systems with a full legal entity, legal capacity and legal capacity, delict liability.

Here, people (such as user, producer and programmer (creator)) do not appear in the involvement of responsibility, but, unlike people, responsibility arises not because of their guilt, but because of an objective action.

In this regard, formulating a strategy or concept of legal regulation of artificial intelligence, by which:

- to determine the legal status of the AI and the possibility of liability;
- to propose directions for AI development in national law;
- to study legal issues related to the use of already existing types of autonomous intelligent systems, including transportation, communication, security, etc.;
- to form prospects for the creation of doctrines and legal rules related to the development, control and deployment of AI autonomous intelligent systems, the legal regimes used in the use of such systems, as well as the formation of connections between new mechanisms of legal support for artificial intelligence;

It is desirable to determine the acceptability and limits of the application of contemporary legal norms on legal responsibility to manufacturers of AI systems, their operators and other persons.

10. The researcher proposes, in the legal regulation of artificial intelligence, its tasks, unlike the rights and freedoms granted to it, should be compared with the obligations of a person and must strictly be related to the three famous laws of robotics:

- not to harm a person or harm person through inaction;*
- to obey all orders given by the person, unless aimed at harming another person;*
- to take care of its own safety only to the extent that it does not cause harm to another person or violate orders given by the person.*

11. The researcher concludes that the artificial intelligence is a subject of law in the future, one should not forget the main principle that “man, his rights and freedoms are the highest value”. Therefore, the legal regulation of artificial intelligence should, as a priority, define and provide a detailed description of the universal restrictions on its rights and freedoms. This should be done without waiting for the emergence of intelligent “machines” that will answer the most important questions of an ontological nature according to the level of development of intelligence of AI and question human supremacy.

12. Today’s AI, despite its strong intelligence and the ability to make independent decisions in some matters, does not have free will, and its capabilities are programmed by the technology developer. Therefore, it is too early for it to become an independent carrier of legal entity and a full-fledged entity.

Artificial intelligence is not a carrier of extremely important components of human personality (soul, free consciousness, emotions, intention, and personal interest). Therefore, despite the extremely powerful speed of information processing, which is several times higher than human capabilities, artificial intelligence remains only a program with material and technical support depending on it. Based on the

above, it is still premature and inappropriate to include artificial intelligence in the category of legal subjects.

13. According to our author's approach, it is appropriate to distinguish the following main models of liability for actions of an artificial intelligence product that lead to harmful consequences:

- the real actor tool model, in which the artificial intelligence product is considered as a tool of the principally innocent (guilty) agent, the actual perpetrator of the offense;

- the model of natural probable consequences, within which the artificial intelligence product performs actions that are a natural, logical regular and probable consequence (derivative) of its production/programming, as well as by its creator and/or person;

- a model of direct responsibility of an artificial intelligence product for its actions (or inaction);

- a model of quasi-vicarious liability (responsibility for the negligence of others) for the failure of the owner and/or operator of an artificial intelligence product to correctly interpret the intentions and actions of this product and to prevent these actions.

Adoption and implementation of each of these models requires a different set of legislative approaches and measures.

14. The researcher supports the position that artificial intelligence does not have the capacity to be held directly civilly liable. For example, in some cases, the illegal actions of the electronic system are caused by virus programs, such as the Trojan virus, or other malicious programs that attack to perform illegal actions using artificial intelligence.

In this case, the responsibility must be assigned to the producer of the malicious software, which penetrated the algorithm scheme of the system and was the direct cause of the delict, or the user who performed the same actions.

Moreover, in any case, the recognition of artificial intelligence as a subject of civil legal liability is a process that requires not only detailed research, but also a certain degree of caution.

15. The author suggest that any legal provisions applicable to civil liability for damage caused by robots, other than property damage reflected in future legislation, shall not limit the type or extent of damages that may be recovered on the basis that the damage to the victim was caused by a non-human AI agent, and nor should it limit the forms of compensation.

In particular, legislation should be based on a thorough assessment to determine whether a strict liability approach or a risk management approach should be used. Strict liability requires only proof of damages and establishing a causal link between the robot's inappropriate actions and the resulting damages to the injured party.

Once responsible parties are identified, their liability should be proportionate to the actual level of instructions given to the robot and its degree of autonomy. The longer the robot's training time, the greater the responsibility of its "trainer". As a solution to the problem of the difficulty of apportioning liability for damage caused

by increasingly autonomous robots, it is permissible to introduce a compulsory insurance system, as is the case, for example, in automobile transport.

16. The author mentions in the future, it will be necessary to introduce a universal robotics insurance system. As with motor vehicle insurance, such an insurance system may establish a specially created insurance fund to provide compensation for damages in cases where insurance coverage is not available.

This insurance procedure may include:

a) to create a reasonable mandatory insurance scheme, where necessary and for specific categories of artificial intelligence robot units, according to which robot manufacturers or owners (such as car manufacturers) can take responsibility for damage insurance;

b) the insurance compensation fund to be established serves the purpose of guaranteeing compensation if the damage caused by the robot is not covered by insurance;

c) if the producer, developer, owner or user contributes to the specified compensation insurance fund, as well as if they conclude a joint insurance contract to guarantee the compensation of the damage caused by them, their responsibility will be distributed in a joint and several manner accordingly;

g) it is necessary to decide whether to create a general insurance fund for all autonomous artificial intelligence products or to create separate funds for each category of robots;

d) communication between the robot and the relevant fund must use a unique registration number specified in a special register, which allows everyone who interacts with the robot to be informed about the status of the fund, the robot that caused damage, its owners and all other information, including the limits of property liability gives;

e) Creating a special legal status for robots in the distant future, at least the most sophisticated autonomous robots may have legal status as electronic persons responsible for any harm they may cause.

17. In the development of legislation in the field of development and application of artificial intelligence technologies and products, it is suggested to emphasize the following directions:

- adoption of complex specialized legal documents in the field of artificial intelligence;

- to ensure the establishment of a profile state authority in the field of artificial intelligence;

- to ensure the certification of artificial intelligence technologies and products that ensure the safety of artificial intelligence products.

18. The author believes that one of the main principles of legal regulation in the field of development and application of artificial intelligence technologies and products is the principle of precaution. The precautionary principle, as a rule, is based on the assumption that new inventions should be limited and prohibited until their producers prove that they do not harm individuals, groups, certain entities, cultural space and ecology.

19. The researcher mentions that the use of a centralized (state) system in the legal regulation of artificial intelligence has a number of advantages. In particular, proactive regulation and security will significantly reduce the level of uncertainty in risk management associated with establishing legal liability for the actions of an AI product.

At the moment, the use of mechanisms of self-regulatory legal norm creation in the field of AI and robotics can be considered only as initiatives of special programmers' associations in the development of ethics, rules and regulations.

II. Suggestions for improving the current legislation:

20. The following changes and additions to the Civil Code of the Republic of Uzbekistan are proposed:

1) Chapter 52 shall be supplemented with the following Article 920¹ :

“Article-920¹. Artificial intelligence excess risk insurance.

According to the artificial intelligence excess risk insurance contract, only the excess risk of artificial intelligence used in the policyholder's activities and only for his benefit can be insured.

A non-insured person's AI excess risk insurance contract is void per se.

The insurance contract for the excess risk of artificial intelligence in favor of a person who is not the insured is considered to be concluded in favor of the insured”.

2) The first part of Article 922 shall be supplemented with the following paragraph: **“artificial intelligence excess risk defined by law or contract”**.

3) The first part of Article 999 should be stated as follows:

Legal entities and citizens (transport organizations, industrial enterprises, constructions, owners of vehicles, etc.) whose activities pose an excessive danger to the surrounding people, *as well as users of artificial intelligence products*, are liable for the damage caused by the source of excessive danger, if the damage has been eliminated. If they cannot prove that it was caused by force majeure or intentional action of the victim, they must pay.

***For information:** This amendment suggests that AI technologies are direct source of increased risk.*

4) Chapter 57 shall be supplemented with the following Article 1004¹:

“Article 1004¹ “Liability for actions of a Robot Agent.

The owner of the robot-agent is responsible for the actions of the robot-agent from the moment of ownership and (or) use of the robot-agent within his ownership.

In cases where the responsibility of the robot-agent is related to its property legal nature (including in the case of damage caused by activities that cause excessive danger to others), the responsibility for the behavior of the robot-agent is subsidiarily assigned to its owner.

In any case specified in this article, the owner and (or) user of the robot-agent shall be responsible for the actions of the robot-agent, they are responsible for the development, production and (or) maintenance of the robot-agent with the exception of cases where it is proved that it was committed by a robot-agent as a result of the actions of a person.

Unless otherwise provided by law or the contract, the person who developed,

created and (or) provided service to the robot-agent shall be liable in accordance with this article, regardless of the presence of fault”.

5) Chapter 59 shall be supplemented with the following Article 1033¹:

“Article 1033¹. Personal non-property and property rights to intellectual property objects created by artificial intelligence.

The rights to the result of intellectual activity created autonomously by the complex of software-hardware and software tools of artificial intelligence, that is, in the absence of a significant personal creative contribution of a person, belong to the following:

1) to the manufacturer of this artificial intelligence complex;

2) to an individual or legal entity who has concluded an appropriate license agreement with the manufacturer of the artificial intelligence software-technical complex for the use of this complex or its capabilities;

3) if the producer of the software-hardware complex of artificial intelligence has provided an open license for its use, to the citizen who made a significant creative contribution to the creation of this result, or in the absence of such a citizen - it is public property”.

21. According to the long-term prognosis of the socio-economic development of Uzbekistan, if competitive artificial intelligence technologies are not sufficiently developed and used, the implementation of the priority directions of the country’s scientific and technological development will slow down. This causes it to lag behind from other countries economically and technologically. Therefore, a **National Concept for the Development of Artificial Intelligence is proposed.**

22. Based on foreign experience, it is appropriate to adopt a separate law “**On Artificial Intelligence System**” in the Republic of Uzbekistan.

In particular, this law should cover the following issues:

The concept of AI;

Basics and principles of using AI;

AI status, rights, and obligations;

The status, rights, and obligations of the AI producer;

The status, rights, and obligations of the AI owner (owner);

Guarantees of intellectual property rights and independence;

AI scope of use, legal mechanism;

Mechanism of the direct responsibility of AI;

AI indirect liability to third parties;

Subsidiary and joint liability for damage caused by AI;

Procedure for payment of appropriate compensation for damage caused by AI,

Other issues related to AI.

23. The introduction of Article 46¹ of the Republic of Uzbekistan Law “On Health Care of Citizens” is justified:

Article 46¹. Compensation for damage caused to the health of citizens by artificial intelligence used in medical practice:

The responsibility for the behavior of the robot assistant lies with the doctor (team of doctors) using the robot assistant.

In cases where the responsibility of the robot assistant is not related to its medical activity (including in the case of damage caused by activities that pose an excessive

risk to others), the responsibility for the behavior of the robot assistant is subsidiarily assigned to its owner.

In any case, as specified in this article, the owner and (or) user of the robot assistant are responsible for the actions of the robot assistant. Except for the cases where it is proven that the damage was caused by the robot assistant as a result of the actions of the person who created, produced, and (or) performed the maintenance of the robot assistant.

24. Article 3 of the Law of the Republic of Uzbekistan “On Information” is proposed to be supplemented with the following clause:

“Artificial intelligence is the ability to perceive (recognize, analyze and evaluate) and model the surrounding processes and environment (situation), relationships, independently make and implement decisions, an artificial information and communication system (electronic, virtual, electronic-mechanical, bioelectronic-mechanical or hybrid) with a cognitive program to analyze and understand its behavior and experience”.

25. It is justified that legal solutions in the field of patent and legal protection of inventions created with the participation of artificial intelligence or created by fully autonomous artificial intelligence are implemented within the framework of the following models:

- patent and legal protection of the invention in the general procedure and under general conditions, in which the period of patent-legal protection is significantly reduced;

- complete prohibition of patent and legal protection of inventions, giving such inventions a priori to the public domain or establishing an open license regime;

- patent and legal protection of the invention, transferring the powers of managing such rights to a specially established state fund.

26. The introduction of Article 41¹ in the Law of the Republic of Uzbekistan “On Banks and Banking Activities” is justified.

Article 41¹. Application of artificial intelligence in banking services and operations

It is allowed to use artificial intelligence for the implementation of certain types of services and operations of the bank continuously.

Certain types of banking services and operations are allowed to be transferred by artificial intelligence to make independent decisions only after notifying customers about this. It should be reflected in the contract that certain types of services and operations by the bank will be implemented by the artificial intelligence system.

The Bank is responsible for the risks associated with certain types of services and operations entrusted to the artificial intelligence system.

When transferring certain types of services and operations to the artificial intelligence system, the bank must meet the requirements of the program, including the requirements for providing information regarding failures during its use or certain types of services and operations.

27. Article 26 of the Law of the Republic of Uzbekistan “On Road Traffic Safety” is proposed to be supplemented with the following clause:

reimbursement of damages under the procedure established by law in cases of bodily injury, vehicle and cargo damage caused by traffic accidents caused by road vehicles under semi-automatic or fully automated control through artificial intelligence;

28. Clause 7 of “Regulation on the Procedure for Compensation of Damages Caused by a Violation of Professional Duties by a State Notary” approved by the Cabinet of Ministers Resolution No. 318 of December 28, 2010 is proposed to be stated in the following order.

7. The amount paid by the Department of Justice must be recovered from the notary in the form of recourse, *except in cases of damage due to an error of the artificial intelligence system.*

29. It is proposed to state the second clause of the Regulation “On the inspection and accounting of industrial accidents and other damage to the health of employees in connection with the performance of work duties” approved by the decision of the Cabinet of Ministers No. 286 of June 6, 1997 in the following way:

2. Injuries, poisoning, heat exposure, explosions, disasters, damage to buildings, structures and constructions, burns, freezing, heat, electric current and lightning strikes, *artificial intelligence systems* that occurred during the performance of labor duties (as well as during business trips) on the territory of the enterprise and outside it by animals, insects, and reptiles, injuries as a result of terrorist acts, as well as other health damage due to natural disasters (earthquakes, earthquakes, floods, typhoons, etc.);

Chapter IV of Regulation “On the inspection and accounting of industrial accidents and other damage to the health of employees in connection with the performance of work duties” approved by the decision of the Cabinet of Ministers No. 286 of June 6, 1997 is proposed to be supplemented with article 6¹:

6¹. An accident in which the person died as a result of the action of artificial intelligence systems is considered with the participation of representatives of the programmer and manufacturer of the artificial intelligence system.

30. Article 378 of Tax Code of the Republic of Uzbekistan is proposed to be supplemented with clause 19²):

19²) **income received by the taxpayer from the use of artificial intelligence systems in the social field (medicine, education, culture, social service, etc.).**

31. Article 297. Tariff benefits of the Customs Code of the Republic of Uzbekistan (Preferences and tariff preferences for payment of customs fees) is proposed to be supplemented with clause 13¹):

Tariff benefits in the form of exemption from customs duty are granted to the following:

13¹) artificial intelligence technologies used in the social field (medicine, education, culture, social service, etc.), which are not produced in the Republic of Uzbekistan, and which are imported into the territory of the Republic of Uzbekistan according to the approved list;

III. Practical suggestions and conclusions:

32. In calculating damages from AI, taking into account the difficulties associated with the calculation of damages and specificity of intellectual property rights or the right to privacy, in general, it is necessary to consider economic methods of damage calculation like the Discounted Cash Flow Method (DCF) and the Financial Indicative Running Royalty Model (FIRRM).

When intellectual property rights and personal information is illegally used by AI tools via these methods, and when the damage caused is difficult to evaluate because it is invisible, certain fixed amount of damage can be assigned (for example, violation of privacy - 10 million sums (Uzbek currency), violation of medical or other secrets - 15 million sums (Uzbek currency), etc.). In the future, it is proposed to implement this procedure into the national legislation and to use it in the trials when calculating damages related to AI.

33. As areas of application of AI, the following are proposed:

Automated legal advice methods, such as automatic document analysis. Electronic storage of the encrypted results of the analysis of a large number of documents, introduction of remote analysis and consulting practice.

Speech recognition and natural language understanding systems can significantly help both the lawyer and the citizen. Starting from simple speech recognition and communicating it with legal information systems, improving the quality of a more advanced interface to connect it with a call center or voice assistant, converting voice to text, automatically translating a foreigner's application (document), and speech synthesis are expected.

Document analysis and case legal outcome prediction systems are also fully solvable AI tasks that can provide significant support. For example, operational monitoring and analysis of changes in legislation allows for rapid forecasting of the number and needs of the population that apply to legal agencies.

Systems of automatic classification and comparison of information help to connect information about a citizen in different forms in different information systems. For example, it will be possible to create a complete electronic form of information that is clearly described in various details. Machine analysis of the content of social networks and Internet portals is a promising technology to quickly obtain marketing information.

Automated public consultation chatbots can be of great help in introducing citizens to legal knowledge and compliance with established law and order. Chatbots can already learn how to answer common questions, suggest behavior in simple situations, connect a citizen to a lawyer, etc.

34. The author made the following conclusions by analyzing the possibility of resolving conflicts using the AI tools. With the help of AI, the workload related to the human factor in judicial authorities is significantly reduced. Artificial intelligence will help parties and other participants, as well as judges, systematize information and become a quality tool for finding and evaluating the results of judicial proceedings. AI allows a plaintiff to estimate the result of a lawsuit and based on this it allows to solve the cases in pre-trial order.

**ЦИФРОВОЙ НАУЧНЫЙ СОВЕТ DSc.07/30.12.2019.Yu.22.01 ПО
ПРИСУЖДЕНИЮ УЧЕНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ
ГОСУДАРСТВЕННОМ ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

БОЗАРОВ САРДОР СОХИБЖОНОВИЧ

**ПРАВОВАЯ ОТВЕТСТВЕННОСТЬ В РАМКАХ ИСКУССТВЕННОГО
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докторской (DSc) диссертации по юридическим наукам

Ташкент – 2023

Тема докторский диссертации (DSc) зарегистрирована Высшей аттестационной комиссией при Кабинете Министров Республики Узбекистан за номером B2021.4.DSc/Yu181.

Докторская диссертация выполнена в Ташкентском государственном юридическом университете.

Автореферат диссертации размещен на трех языках (узбекском, английском, русском (резюме)) на веб-сайте Научного совета (www.tsul.uz) и Портале Информационной образовательной сети «Ziyonet» (www.ziyonet.uz).

Научный консультант:

Гулямов Саид Саидахаррович,
доктор юридических наук, профессор

Официальные оппоненты:

Самарходжаев Ботир Билялович,
доктор юридических наук, профессор

Аминжонова Матлуба Ахмедовна,
доктор юридических наук, доцент

Хамрокулов Баходир Машарифович,
доктор юридических наук, доцент

Ведущая организация:

**Таможенный институт
Государственного Таможенного
комитета Республики Узбекистан**

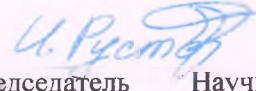
Защита диссертации состоится 16 марта 2023 года в 10-00 часов на заседании Научного совета DSc.07/30.12.2019.Yu.22.01 при Ташкентском государственном юридическом университете. (Адрес: 100047, г.Ташкент, улица Сайилгох, 35. Тел.: (99871) 233-66-36; факс: (998971) 233-37-48; e-mail: info@tsul.uz).


С докторской диссертацией (DSc) можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрировано за №1119). (Адрес: 100047, г.Ташкент, ул. А.Темур, 13. Тел.: (99871) 233-66-36).

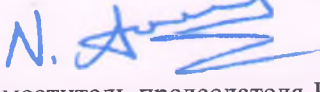
Автореферат диссертации разослан 28 февраля 2023 года.

(протокол реестра №25 от 28 февраля 2023 года).




И.П.Рустамбеков,
Председатель Научного совета по
присуждению ученых степеней, доктор
юридических наук, профессор


Д.Ю.Хабидуллаев,
Научный секретарь Научного совета по
присуждению ученых степеней, кандидат
юридических наук, профессор


Н.Ф.Имомов,
Заместитель председателя Научного семинара
при Научном совете по присуждению ученых
степеней, доктор юридических наук,
профессор

ВВЕДЕНИЕ (Аннотация докторской диссертации)

Цель исследования заключается в комплексном анализе правовой сущности и природы понятия искусственного интеллекта, правовых форм его применения в различных сферах и вопросов правовой ответственности, выработке предложений и рекомендаций, направленных на развитие научной доктрины и совершенствование практики в данной сфере.

Объектом исследования является система общественно-правовых отношений, связанных с использованием возможностей ИИ в различных сферах общественной жизни, гражданско-правовой ответственностью за последствия, возникающие в связи с ее деятельностью.

Научная новизна исследования заключается в следующем:

обосновано понимание особого правового режима для поддержки технологий искусственного интеллекта в качестве специального режима, направленного на создание необходимых организационно-правовых условий для юридических лиц и научных организаций, действующих в связи с осуществлением экспериментальных и испытательных работ на основе технологий искусственного интеллекта, предоставление привилегий в правоотношениях, возникающих в процессе апробирования и внедрения программного обеспечения;

обосновано в целях поддержки технологий искусственного интеллекта, признание юридического лица, в том числе научной организации, зарегистрированной в установленном порядке и включенной в выдаваемый рабочим органом особого режима единый реестр участников особого режима, в качестве участника особого режима;

обосновано, что претендентами на получение статуса участника особого режима являются юридические лица, в том числе научные организации, подавшие заявление на получение статуса участника данного особого режима;

обосновано, что основаниями лишения статуса организации-участника особого режима для поддержки технологий искусственного интеллекта является выявление впоследствии в сведениях и документах, представленных на получение статуса участника особого режима, обоснованных недостатков в отношении их полноты, объективности и достоверности, несоответствие деятельности участника особого режима видам деятельности, указанным в рамках проекта, а также невыполнение участником особого режима обязательств, указанных в договоре об условиях деятельности, заключенном с рабочим органом;

обосновано, что система идентификации основана на том, что источником официальной информации для идентификации физических и юридических лиц, при этом полученная через нее информация является основой дистанционной идентификации (аутентификации) лиц, пользующихся услугами государственных органов, банков, финансовых и др.

обосновано понятие особого правового режима, направленного на создание необходимых организационно-правовых условий, облегчение правоотношений, возникающих в процессе экспериментирования и внедрения

программных продуктов в практику юридических лиц и научных организаций, осуществляющих деятельность, связанную с проведением опытно-испытательных работ по применению технологий искусственного интеллекта, разработкой программных продуктов и оказанием услуг.

Внедрение результатов диссертации. Научные результаты, полученные в ходе исследовательской работы, были использованы в:

предложение о том, что под специальным режимом для поддержки технологий искусственного интеллекта понимается специальный правовой режим, направленный на создание необходимых организационно-правовых условий для юридических лиц и научных организаций, осуществляющих в его рамках деятельность, связанную с проведением экспериментально-опытных работ, основанных на технологиях искусственного интеллекта, разработкой программных продуктов и оказанием услуг, предоставление привилегий в правоотношениях, возникающих в процессе апробирования и внедрения в практику программных продуктов, было принято к сведению при разработке пункта 3 Положения об организации специального режима поддержки технологий искусственного интеллекта и порядка его деятельности, утвержденного Постановлением Кабинета Министров Республики Узбекистан 29 ноября 2021 г. № 717 (справка Управления правового обеспечения Кабинета Министров Республики Узбекистан от 16 сентября 2022 года № 12/21-66). Реализация этого предложения послужила установлению правового статуса особого режима поддержки технологий искусственного интеллекта в законодательстве;

предложение в целях поддержки технологий искусственного интеллекта, признать юридическое лицо, в том числе научную организацию, зарегистрированную в установленном порядке и включенную в выдаваемый рабочим органом особого режима единый реестр участников особого режима в качестве участника особого режима, было принято во внимание при разработке пункта 3 Положения об организации специального режима поддержки технологий искусственного интеллекта и порядка его деятельности, утвержденного Постановлением Кабинета Министров Республики Узбекистан 29 ноября 2021 г. № 717 (справка Управления правового обеспечения Кабинета Министров Республики Узбекистан от 16 сентября 2022 года № 12/21-66). Реализация данного предложения послужила закреплению в законодательстве понятия участников особого режима поддержки технологий искусственного интеллекта и их правового статуса;

предложение о том, что претендентами на получение статуса участника особого режима являются юридические лица, в том числе научные организации, подавшие заявление на получение статуса участника данного особого режима, было принято во внимание при разработке пункта 3 Положения об организации специального режима поддержки технологий искусственного интеллекта и порядка его деятельности, утвержденного Постановлением Кабинета Министров Республики Узбекистан 29 ноября 2021 г. № 717 (справка Управления правового обеспечения Кабинета Министров Республики Узбекистан от 16 сентября 2022 года № 12/21-66). Реализация

данного предложения послужила установлению понятия и правового статуса претендентов на участие в особом режиме поддержки технологий искусственного интеллекта;

предложение о том, что основаниями лишения статуса организации-участника особого режима для поддержки технологий искусственного интеллекта является выявление впоследствии в сведениях и документах, представленных на получение статуса участника особого режима, обоснованных недостатков в отношении их полноты, объективности и достоверности, несоответствие деятельности участника особого режима видам деятельности, указанным в рамках проекта, а также невыполнение участником особого режима обязательств, указанных в договоре об условиях деятельности, заключенном с рабочим органом, было принято во внимание при разработке пункта 23 Положения об организации специального режима поддержки технологий искусственного интеллекта и порядка его деятельности, утвержденного Постановлением Кабинета Министров Республики Узбекистан 29 ноября 2021 г. № 717 (справка Управления правового обеспечения Кабинета Министров Республики Узбекистан от 16 сентября 2022 года № 12/21-66). Реализация данного предложения послужила установлению оснований для лишения организации-участника особого режима статуса участника особого режима;

предложение о том, что система идентификации основана на том, что источником официальной информации для идентификации физических и юридических лиц, при этом полученная через нее информация является основой дистанционной идентификации (аутентификации) лиц, пользующихся услугами государственных органов, банков, финансовых и др., было использовано при разработке пункта 3 Постановления Кабинета Министров Республики Узбекистан 30 октября 2020 г. №679 “О мерах по дальнейшему развитию системы идентификации при предоставлении населению электронных государственных услуг” (справка Управления правового обеспечения Кабинета Министров Республики Узбекистан от 16 сентября 2022 года № 12/21-66). Реализация данного предложения послужила совершенствованию правовых основ идентификации физических и юридических лиц;

предложение о понятии особого правового режима, направленного на создание необходимых организационно-правовых условий, облегчение правоотношений, возникающих в процессе экспериментирования и внедрения программных продуктов в практику юридических лиц и научных организаций, осуществляющих деятельность, связанную с проведением опытно-испытательных работ по применению технологий искусственного интеллекта, разработкой программных продуктов и оказанием услуг, было использовано при разработке подпункта “а” пункта 2 Постановления Президента Республики Узбекистан от 26 августа 2021 года № ПП-5234 “О мерах по внедрению специального режима применения технологий искусственного интеллекта” (справка Управления правового обеспечения Кабинета Министров Республики Узбекистан от 16 сентября 2022 года № 12/21-66). Реализация этого

предложения послужила установлению в законодательстве научно обоснованного понятия особого режима применения технологий искусственного интеллекта.

Объем и структура диссертации. Диссертация состоит из введения, четырех глав, одиннадцати параграфов, заключения, списка использованной литературы, приложений. Объем диссертации составляет 242 страниц.

E'LON QILINGAN ISHLAR RO'YXATI
СПИСОК ОПУБЛИКОВАННЫХ РАБОТ
LIST OF PUBLISHED WORKS

I bo'lim (I часть; I part)

1. Bozarov S.S. Sun'iy intellektni huquqiy tartibga solinishi. Monografiya. – Toshkent: 2022. - 130 b.
2. Bozarov S.S. Sun'iy intellekt tushunchasi va uning o'ziga xos xususiyatlari // Huquqiy tadqiqotlar jurnali. 2022, 7-jild., 7-son, –B.20-27 (12.00.00; №19).
3. Bozarov S.S. Sun'iy intellekt tomonidan yetkazilgan zarar uchun javobgarlik masalalari // O'zA Ilm-fan bo'limi (elektron jurnal). 2022 y. № 7. (12.00.00).
4. Bozarov S.S. Sud hokimiyati organlarida sun'iy intellektning qo'llanilishi: nazariya va amaliyot // Yurisprudensiya huquqiy ilmiy-amaliy journal. 2022, 3-son, –B.39-47 (12.00.00; №15).
5. Bozarov S.S. Sun'iy intellekt sohasini rivojlantirish doirasidagi axloqiy va huquqiy tusdagi masalalar // Yurist axborotnomasi. 2022, 5-son, –B.84-89 (12.00.00.).
6. Bozarov S.S. Sun'iy intellekt zararni hisoblash hususiyatlari // Huquq va burch. 2022, 11-son, –B.20-25 (12.00.00; №2).
7. Bozarov S.S. Искусственный интеллект как сторона контракта: этические и правовые вопросы // Odil sudlov. 2022, 11-son, –B. 116-122 (12.00.00; №3).
8. Bozarov S.S. Искусственный интеллект и большие данные // Huquqiy tadqiqotlar jurnali. 2022, 7-jild., 12-son, –B.28-34 (12.00.00; №19).
9. Bozarov S.S. Sun'iy intellekt javobgarligining axloqiy va huquqiy taomillari // Jamiyat va innovatsiyalar. 2022, 3-son, –B.40-56 (12.00.00).
10. Bozarov S.S. Внедрение новых технологий искусственного интеллекта в сферу корпоративного управления // Central Asian journal of social sciences and history. 2021, 2(12) 225-236. [www.http://cajssh.centralasianstudies.org/index.php/CAJSSH](http://cajssh.centralasianstudies.org/index.php/CAJSSH) (Impact Factor. 2021: 5.952).
11. Bozarov S.S. Искусственный интеллект: возможна ли ответственность роботов // Yurisprudensiya huquqiy ilmiy-amaliy journal. 2021, 5-son, –B.59-68 (12.00.00; №15).
12. Bozarov S.S. Korporativ huquqda sun'iy intellekt javobgarligi masalalari // Jamiyat va innovatsiyalar. 2021, maxsus son, –B.296-303 (12.00.00).
13. Bozarov S.S. Вопросы ответственности искусственного интеллекта по аналогии с ответственностью корпорации (зарубежная практика) // Huquqiy tadqiqotlar jurnali. 2022, 7-jild., 3- mahsus son, –B.47-53 (12.00.00; №19).
14. Bozarov S.S. Стратегии и перспективы развития искусственного интеллекта в мире Республики Узбекистан: сравнительный анализ // Yurisprudensiya huquqiy ilmiy-amaliy journal. 2021, 3-son, –B.33-45 (12.00.00; №15).
15. Bozarov S.S. Феномен искусственного интеллекта: природа его интеллекта // “Шахс ҳуқуқларини ҳимоя қилишнинг долзарб масалалари”

республика илмий-амалий конференция материаллари. – Т.: Ўзбекистон Республикаси Бош прокуратураси Академияси, 2022.– Б. 354-360.

16. Bozarov S.S. Искусственный интеллект и роботизация – этические вопросы ответственности и проблемы в сфере занятости и миграции // “Tashqi mehnat migratsiyasi sohasidagi qonunchilikni takomillashtirish – davr talabi” Respublika ilmiy-amaliy konferensiya materiallari to‘plami.– Т.: О‘zbekiston Respublikasi adliya vazirligi qoshidagi Yuristlar malakasini oshirish markazi, 2022. – Б.59-62.

17. Bozarov S.S. Using innovative technologies in improving the efficiency of education: problems and solution // Scientific and International conference 2022. Batumi, Georgiya. –P. 142-151. Извлечено от <https://doi.org/10.5281/zenodo.7375780>

18. Bozarov S.S. International arbitration, how artificial intelligence will change dispute resolution // Science of XXI century: development, main theories and achievements. III international Scientific and Theoretical Conference 2022. Helsinki, Republic of Finland. -P.35-38.

II bo‘lim (II часть; II part)

19. Gulaymov S.S., Bozarov S.S. Вопросы ответственности искусственного интеллекта в сфере здравоохранения // Yurist axborotnomsi. 2022, 5-son, –В.84-89.

20. Gulaymov S.S., Bozarov S.S. Strategies and Future prospects of development of artificial intelligence: world experience. // World Bulletin of Management and Law (WBML). 2022, №9. –P.66-74. <https://www.scholarexpress.net>.

21. Bozarov S.S The development of legal bases of artificial intelligence in the Republic of Uzbekistan // Proceedings of international Educators Conference 2022. Italy. -P.109-114.

Avtoreferat TDYU «Yuridik fanlar Axborotnomasi» jurnali
tahririyatida tahrirdan o'tkazilib, o'zbek, ingliz va rus tillaridagi matnlar
o'zaro muvofiqlashtirildi.

Bosishga ruxsat etildi: 27.02.2023
Bichimi: 60x84 ¹/₁₆ «Times New Roman»
Garniturada 14 raqamli bosma usulda bosildi.
Shartli bosma tabog'i 4. Adadi: 100. Buyurtma: № 29

100060, Toshkent, Y. G'ulomov ko'chasi, 74.
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